

No. 97-6749

LBW 11

ORIGINAL

Supreme Court, U.S.  
FILED  
DEC 3 1997  
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

IN RE:  
LORENZO ARTEAGA — PETITIONER

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY  
AT THE TIME OF FILMING. IF AND WHEN A  
BETTER COPY CAN BE OBTAINED, A NEW FICHE  
WILL BE ISSUED.

VS.

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

SUPPLEMENTAL TO  
PETITION FOR WRIT OF HABEAS CORPUS

LORENZO ARTEAGA

4001 KING AVENUE / E-66703  
P.O. BOX 8800

CORCORAN, CA 93212-8300

QUESTION(S) PRESENTED

ARE THE FEDERAL STATUTORY AND FEDERAL CONSTITUTIONAL QUESTIONS AND ISSUES RAISED IN PORTMAN v. COUNTY OF SANTA CLARA 995 F<sub>2d</sub> 898 (9th Cir. 1993) NOW RIPE FOR REVIEW WHERE PETITIONER, UNLIKE PORTMAN, DOES HAVE STANDING ON DIRECT APPEAL AND DOES RAISE THE SAME ISSUES; INCLUDING DOCUMENTED CONSPIRACY AND OVERT ACTS IN FURTHERANCE OF CONSPIRACY TO THREATEN AND INTIMIDATE WITNESSES, TO DENY REASONABLE ACCESS TO THE COURTS OF THE UNITED STATES AND TOTAL LACK OF AVAILABLE REMEDY IN THIS CIRCUIT TO PROTECT CLEARLY ESTABLISHED CIVIL, STATUTORY AND CONSTITUTIONAL RIGHTS SINCE AT LEAST OCTOBER 18, 1988?

ARE THE FEDERAL CIRUIT CONFLICTS PRESENTED BY PORTMAN v. COUNTY OF SANTA CLARA 995 F<sub>2d</sub> 898 (9th Cir. 1993) NOW RIPE FOR RESOLUTION BY THE COURT?

IS PETITIONER ENTITLED TO HAVE THE JUNE 11, 1992, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT ORDER No. 92-15341, D.C. # CV-91-2534-RFP AND/OR PROCEEDING REINSTATED, TO GVR, TO RELEASE ON HIS OWN RECOGNIZANCE WHERE THE DISMISSAL FOR FAILURE TO PROSECUTE SAID APPEAL WAS DELIBERATELY CAUSED BY RESPONDENTS IN CONSPIRACY AND IN FURTHERANCE OF CONSPIRACY TO DISTORT AND TO CORRUPT THE PROCESS OF LAW?

BRETZ v. KELMAN 773 F<sub>2d</sub> 1026, 1035 (9th Cir. 1985) (*en banc*)  
LOGAN v. ZIMMERMAN BRUSH CO., \_\_\_ U.S. \_\_\_, 711 F<sub>2d</sub> 265 (1982)

LIST OF PARTIES

[ ]

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

PETE WILSON  
DANIEL E. LUNDREN  
J. CLIFFORD WALLACE  
PETER L. SHAW  
RONALD M. WHYTE  
JAMES WARE  
GREGORY H. WARD  
THOMAS MADDOCK

## TABLE OF CONTENTS

OPINIONS BELOW .....	1
JURISDICTION .....	<u>2</u>
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	<u>3</u>
STATEMENT OF THE CASE .....	<u>4</u>
REASONS FOR GRANTING THE WRIT.....	<u>11</u>
CONCLUSION.....	<u>15</u>

## INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

IN THE  
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

## PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

## OPINIONS BELOW

[✓] For cases from federal courts

The opinion of the United States Court of Appeals appears at Appendix A to the petition filed on MAY 20, 1997 and is unpublished, and at Appendix A to the petition filed on AUGUST 25, 1997, and placed on the docket NOVEMBER 14, 1997 as a petition for a writ of habeas corpus, and is unpublished; docketed as LORENZO ARTEAGA, Petitioner v. UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, No. 97-6749

Related opinions appear at Appendices to related petitions Nos. 96-9513 (5/20/97), 96-9113 (5/22/97), 97-5677 (8/11/97), Application No. A-314 (9/29/97), pending on reconsideration and rehearing, and are unpublished.

The most recent opinion of the United States Court of Appeals appears at Appendix A to the separately submitted petition for writ of certiorari dated November 23, 1997 which should bear a postmark of November 24, 1997 concerning the USCA9 order and concurrent mandate filed November 19, 1997.

## JURISDICTION

For cases from federal courts.

The date on which the United States Court of Appeals decided my case was  
NOVEMBER 19, 1997

RELATED BACK TO USCA9 CASE NUMBER ASSIGNED DOCKET # 95-80113 [1] FILED 3/22/95 BASED UPON APPELLATE COMMISSIONER PETER L. SHAW'S UNCONSTITUTIONAL SELF-STYLED OSC FILED 3/28/95 [2] WHICH ISSUED IMMEDIATELY IN VINDICTIVE RETALIATION FOR PETITIONER'S APPLICATION NO. A-705 TO THIS HONORABLE SUPREME COURT ALLOWING PETITIONER'S FIRST-EVER PETITION FOR WRIT OF CERTIORARI FILED C. 2/21/95 DOCKETED AS U.S. SUPREME COURT NO. 94-9212.

ALL FURTHER USCA9 PROCEEDINGS WERE IRREPARABLY TAINTED AND PREJUDICED AS FOUNDED UPON A DISTORTED AND CORRUPTED 3/28/95 OSC AND RESULTED IN THE FOLLOWING ADDITIONALLY (AND ADMITTEDLY) DISTORTED DECISIONS IN MY CASE:

Federal Rules of Appellate Procedure  
 PRE-FILING REVIEW ORDER IN VIOLATION OF F.R.A.P. Rule 26(a)(1) (FRAP) 47(g)(1), 47(g)(2), FILED 5/5/95 [5], VIOLATING ART. I, §9, cl. 2, cl. 3, 1ST, 5TH, 6TH, AND 14TH AMENDMENTS, U.S. CONSTITUTION, LANDGRAF v. US FILM PRODUCTS, 511 U.S. 244, 275, n. 29 (1994), LINDH v. MURPHY 117 S.Ct 2059 (1997), BRETZ v. KELMAN, 773 F.2d 1026, 1035 (9th Cir. 1985) (en banc), AND ORDERS BASED THEREON:

6/29/95 [7], 7/20/95 [10], 9/22/95 [15], 9/22/95 [16],  
 12/8/95 [18], 2/9/96 [22], 2/9/96 [23], 3/14/96 [26],  
 7/12/96 [30], 1/9/97 [36], 2/21/97 [41], 4/24/97 [47],  
 7/17/97 [59], 8/1/97 [60], 8/28/97 [65], 11/19/97 [ ]  
 DOCKET ENTRIES AS OF SEPTEMBER 12, 1997 IN USCA9 NO. 95-80113.

A SEPARATE PETITION HAS BEEN SUBMITTED AS TO THE 11/19/97 [ ] USCA9 ORDER AND MANDATE WHICH ISSUED INSTANTER AND CONTINUES TO UNCONSTITUTIONALLY IMPAIR AND PREJUDICE ALL PENDING PROCEEDINGS BEFORE THIS HONORABLE COURT.

FOR EXAMPLE: 4/24/97 [47], 2/21/97 [41], 7/17/97 [59] AND HABEAS CORPUS ORDER 8/1/97 [60] ALL IMPAIRED AND IRREPARABLY PREJUDICED U.S. SUPREME COURT PETITION NO. 96-9513 PRECLUDING COMPLIANCE WITH THIS COURT'S SPECIFIC 10/6/97 ORDER(S) AND ACTUAL CONSTITUTIONAL INJURY FOR PETITIONER'S NON-WILLFUL FAILURE TO COMPLY ON 10/27/97 AND NO. 97-5677 (DENIED 10/20/97) (HABEAS) AND NO. 96-9113 FILED 5/22/97, DENIED 10/6/97. PETITIONS FOR REHEARING AND/OR RECONSIDERATION PENDING.

MOREOVER, USCA9 Nos. 96-16222 AND 96-16223, ARISING ON DIRECT APPEAL OUT OF USDC N CA Nos. CV-94-3046: LORENZO ARTEAGA v. PETE WILSON, AND CV-94-1575 FMS: LORENZO ARTEAGA v. CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL., PRE-DATING UNCONSTITUTIONAL USCA9 DOCKET ENTRIES AND ORDERS NOS. 95-80113 AND USDC N CA NO. CV-97-20665 RMW AND CV-97-2622 FMS ARE ACTUALLY THE SUBJECT OF APPLICATION NO. A-314: LORENZO ARTEAGA v. PETE WILSON, GOVERNOR OF CALIFORNIA, DENIED 10/30/97 (RULE 22.4) AND A PETITION FOR REHEARING IS PENDING AS WELL AS THE SEPARATELY SUBMITTED PETITION FOR WRIT OF CERTIORARI (11/23/97), AND RELATED PETITIONS FOR REHEARING IN U.S. SUPREME COURT NOS. 96-9513, 97-5677, 96-9113, BASED ON 28 USC §1254(1) JURISDICTION AND SUPREME COURT NOS. 96-9196, 96-9197, 96-9328, 96-9329, 96-9309 AND CASC NO. S059401 BASED ON 28 USC § 1257(a) JURISDICTION: ALL IRREPARABLY IMPAIRED, OBSTRUCTED AND PREJUDICED AND NOW PENDING BEFORE THIS HONORABLE COURT ON DIRECT APPEAL AND FEDERAL AND STATE HABEAS CORPUS.

THIS SUPPLEMENTAL BRIEF IS SUBMITTED UNDER RULES 15.8, 17, 18.10 AND/OR 25.5

THE JURISDICTION OF THIS COURT IS INVOKED UNDER 28 USC §1254(1) AND/OR ORIGINAL JURISDICTION UNDER ART. III OF THE CONSTITUTION OF THE UNITED STATES.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

GARLOTTE v. FORDICE (1995) 115 S.Ct 1948, 115 LEd2d 810, 878  
UNITED STATES v. TAYLOR (1981) 648 F.2d 565 (9th Cir.)  
PORTMAN v. COUNTY OF SANTA CLARA (1993) 995 F.2d 898 (9th Cir.)  
BRETZ v. KELMAN (1985) 773 F.2d 1026, 1035 (9th Cir.) (en banc)  
BRADEN v. JUDICIAL CIRCUIT OF KENTUCKY (1973) 93 S.Ct 1123  
DOGGETT v. U.S. (1992) 505 U.S. 647, 651  
FRANKS v. DELAWARE (1978) 438 U.S. 154  
ORNELAS v. U.S. (1996) 116 S.Ct 1657  
DAVIS v. ALASKA (1974) 94 S.Ct 1105  
GRiffin v. ILLINOIS (1956) 76 S.Ct 585  
LOGAN v. ZIMMERMAN BRUSH CO. (1982) 71 LEd2d 265  
LANDGRAF v. US FILM PRODUCTS (1994) 511 U.S. 244, 275, n. 29  
LINDH v. MURPHY (1997) 117 S.Ct 2059  
CLINE v. BRUSSETT (1981) 661 F.2d 108  
BODDIE v. CONNECTICUT (1971) 91 S.Ct 780  
BOUIE v. COLUMBIA (1964) 12 LEd2d 894  
WEAVER v. GRAHAM (1981) 101 S.Ct 960  
KYLES v. WHITLEY (1995) 115 S.Ct 1555  
MILLER v. PATE (1967) 17 LEd2d 690  
TOME v. U.S. (1995) U.S. — S.Ct —  
CHAPMAN v. CALIFORNIA (1967) 17 LEd2d 705  
U.S. v. MUNSINGWEAR (1950) 340 U.S. 36, 39  
ROW v. WADE (1973) 410 U.S. 113  
YATES v. EVATT (1991) 111 S.Ct 1884  
U.S. v. GAUDIN (1995) 115 S.Ct 2310  
U.S. v. BLOUNT (1994) 34 F.3d 865 (9th Cir.)

PUB L 100-352, 87 Stat 662 (1988)  
 28 USC §§ 1331, 1332, 1343, 1443, 1447, 1254(1), 1257(a), 2241-2254, 2255  
 28 USC § 1654  
 ART. I, §9, cl. 2, cl. 3, ART. I, §10; ART. III, ART. IV, §2, ART. VII, §2,  
 UNITED STATES CONSTITUTION  
 1st, 4th, 5th, 6th, 8th, 9th, 13th AND 14th AMENDMENTS,  
 UNITED STATES CONSTITUTION

2 J. WIGMORE, EVIDENCE §278

CALIFORNIA PENAL CODE SECTIONS: 3,  
 804(a)-(d), 805.5(d)(2), 800  
 1118, 1118.1, 1118.2, 995, 278, 278.5, 279, 279(c), 664,  
 664-278, 664-278.5, 664-279, 664-279(c); 288(a), 288.5, 664-  
 288(a), 664-288.5, 1203.066(a)(8) [(1990)]; 681, 689, 5011, 952,  
 954, 955, 1004, 1009, 1165, 1188, 1185, 1017, 1538.5 [(1982)]

TITLE 18 USC §§ 1509, 1512, 1513, 1701, 1702, 1703; 241-242;  
 42 USC §§ 1983, 1985(2), 1985(3), 1986

STATEMENT OF THE CASE

THE FACTS OF MY CASE ARE STATED IN MY ORIGINAL HABEAS CORPUS PETITION FILED IN UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA DOCKET NO. C-90-20326-RFP c. MAY 24, 1990 AND IN MY VERIFIED CONCURRENT CIVIL RIGHTS ACTION NUMBERED C-90-20257 c. JUNE 1990 WHICH ALLEGED AND SUBSTANTIATED A CONSPIRACY AND EXTENSION OF CONSPIRACY TO VIOLATE MY CIVIL, STATUTORY AND FEDERAL CONSTITUTIONAL RIGHTS UNDER COLOR OF AUTHORITY. THESE VERIFIED ALLEGATIONS WERE FURTHER DOCUMENTED IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA TIMELY DIVERSITY FEDERAL QUESTION REMOVAL ACTIONS I NEXT FILED TO TIMELY PRESERVE MY FEDERAL CONSTITUTIONAL RIGHTS AND LEGAL OBJECTIONS AS PROVIDED BY LAW.

THE USDC N CA DOCKETED THESE LATTER PROCEEDINGS IN MARCH-APRIL 1991 AS USDC N CA Nos. C-91-0583-RFP AND C-91-0594-RFP AND SAID ORIGINAL PLEADINGS ARE NOT MOOT AND FULLY STATE THE FACTS OF MY CASE AT THE TIME THAT THEY ARE OCCURRING AND SAID PLEADINGS ARE REALLEGED AND INCORPORATED HEREIN IN FULL FOR ALL PURPOSES.

AFTER I OVER-EXACTED AN UNCONSTITUTIONAL PRISON SENTENCE — MY FIRST EVER COMMITMENT TO PRISON FOR ALLEGEDLY VIOLATING AN EX PARTE UNNOTICED CIVIL COURT CUSTODY ORDER — I WAS AGAIN VINDICTIVELY REPROSECUTED BECAUSE THE STATE COURT CONVICTION WAS NOT FINAL AS MY DIRECT APPEAL WAS STILL PENDING OUT OF CALIFORNIA COURT OF APPEAL, SIXTH APPELLATE DISTRICT (CAAD6) No. H007751, SANTA CLARA COUNTY SUPERIOR COURT No. 138120 IN THE CALIFORNIA SUPREME COURT (CASC) No. S028858.

TO FORCE ME TO PROCEDURALLY DEFAULT ON MY FEDERAL STATUTORY (28 USC 51654) AND FEDERAL CONSTITUTIONAL RIGHT OF REDRESS (1ST AMENDMENT), DUE PROCESS AND EQUAL PROTECTION OF THE LAW (5TH AND 14TH AMENDMENTS), THE PROSECUTION REMOVED ALL OF MY PENDING LEGAL RECORDS, TRANSCRIPTS AND DOCUMENTARY EVIDENCE AND PROCEEDED TO REINSTATE A TIME-BARRED RES JUDICATA CRIMINAL COMPLAINT IT HAD MALICIOUSLY FILED WITHOUT REASONABLE OR PROBABLE CAUSE (4TH AMENDMENT) ON APRIL 27, 1984 IN SANTA CLARA COUNTY MUNICIPAL COURT DOCKET No. C-84-47195, LATER RE-NUMBERED SANTA CLARA COUNTY SUPERIOR COURT No. 125303. ORNELAS v. U.S., 116 S.Ct 1657 (1996) STANDARDS OF REVIEW. CHAPMAN v. CALIFORNIA 17 LEd2d 705 (1967)

WHEN I SOUGHT TO DEFEND MYSELF IN COURT UPON REINSTATED PROSECUTION FILED ON DECEMBER 4, 1992 IN SANTA CLARA COUNTY THE ORIGINAL COMPLAINT NO. 125303 HAD BEEN RE-NUMBERED No. 161396, THE PEOPLE OF THE STATE OF CALIFORNIA VS. LORENZO ARTEAGA AND I WAS DELIBERATELY PREVENTED FROM FILING PETITIONS FOR WRIT OF CERTIORARI FROM 1990 TO FEBRUARY 21, 1995, INCLUDING FORCED DEFAULTS IN U.S. SUPREME COURT DOCKET Nos. A-594, A-794, A-21, A-22, A-23, et al., INCLUDING CERTIORARI ON DIRECT APPEAL FROM CASC No. S028858 REVIEW DENIED WITHOUT A PLAIN STATEMENT c. OCTOBER 28, 1992, ALL MALICIOUSLY THWARTED AND PRECLUDED BY RESPONDENTS' DELIBERATE LEGAL RECORDS' REMOVALS, CONVERSION, SPOLIUM AND SPOLIATION UNDER COLOR OF AUTHORITY. PORTMAN v. COUNTY OF SANTA CLARA 995 F.2d 898 (9th Cir. 1993) BRETTZ v. KELMAN 773 F.2d 1026, 1035 (9th Cir. 1985) (en banc)

WHEN I REPORTED THE ABUSES TO THE FEDERAL COURT I FOUND THAT THE STATE TRIAL COURT JUDGE JAMES WARE WAS NOW IN OCTOBER 1990 APPOINTED TO THE SAME USDC N CA WHERE ALL OF MY LEGAL APPEALS WERE BEING HEARD AND WHEN I REPORTED THE CONTINUING ABUSES IN 1993 I FOUND THAT JUDGE ROBERT F. PECKHAM HAD DECEASED AND THAT RONALD M. WHYTE, ALSO STATE TRIAL COURT JUDGE OUT OF THE SAME

SANTA CLARA COUNTY SUPERIOR COURT (RESPONDENT) WAS REPLACING HIM AS FEDERAL JUDGE IN MY ORIGINAL CASES STILL ON DIRECT APPEAL BUT THE JUDGE ALLOWED RESPONDENTS TO KEEP ALL OF MY LEGAL RECORDS AND PENDING LOWER COURT ORDERS AWAY FROM ME, ESPECIALLY THE CASE NO. S028858, CAADG NO. H007751, SUPERIOR COURT NO. 138120 ORDER DENYING MY DIRECT APPEAL WITHOUT A PLAIN STATEMENT TO PREVENT ME FROM PETITIONING THIS HONORABLE COURT FOR A PETITION FOR WRIT OF CERTIORARI AS PROVIDED BY RULES 13, 14, 10, 11, 20.4(a), 48, et al. RULES OF THE SUPREME COURT OF THE UNITED STATES.

SO MY DIRECT APPEAL WAS DELIBERATELY FORECLOSED BY INTRINSIC AND EXTRINSIC FRAUD, MISDIRECTION, CONSPIRACY AND OVERT ACTS IN FURTHERANCE OF CONSPIRACY TO VIOLATE MY CLEARLY ESTABLISHED RIGHT OF ACCESS TO THE COURT, DIRECT APPEAL, DUE PROCESS AND EQUAL PROTECTION OF THE LAW.

THESE FACTS ARE MORE FULLY EXPOUNDED IN THE STATEMENT OF FACTS I TIMELY FILED AND SERVED IN THE USCA9 CIRCUIT NOS. 95-15075, USDC #94-CV-1575: LORENZO ARTEAGA v. CALIFORNIA DEPARTMENT OF CORRECTIONS, et al., c. 2/21/95 AND USCA9 No. 95-15076, USDC #94-CV-3046: LORENZO ARTEAGA v. PETE WILSON, GOVERNOR OF CALIFORNIA, et al., c. 2/21/95: DISMISSED FOR ALLEGED LACK OF JURISDICTION, LATER ON 7/8/96 RENUMBERED USCA9 No. 96-16222; AND ARTEAGA v. CDC: No. 96-16223. ARTEAGA v. WILSON AND ARTEAGA v. CDC (CONSOLIDATED) DENIED 7/21/97. RHG: DENIED ON 9/4/97; TOTAL RECORDS' REMOVAL TO DATE TO AGAIN FORCE PROCEDURAL AND SUBSTANTIVE DEFAULTS TO ALL PENDING LITIGATION ON DIRECT APPEAL. E.G.: APPLICATION NO. A-314 DENIED 10/30/97. PETITION FOR REHEARING SUBMITTED WITH EXTRAORDINARY WRIT: PENDING: LORENZO ARTEAGA v. PETE WILSON GOVERNOR OF CALIFORNIA. JUDICIAL NOTICE REQUESTED.

ON MARCH 28, 1995 PETER L. SHAW, APPELLATE COMMISSIONER FOR THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT (USCA9) ISSUED AN

ORDER TO SHOW CAUSE WHICH HAS DISTORTED AND CORRUPTED THE PROCESS OF LAW AT THE OUTSET. ALL OF MY LEGAL RECORDS AND COURT ORDERS AND CASE NUMBERS LISTED IN THE 3/28/95 OSC HAD BEEN AGAIN REMOVED VIOLENTLY BY RESPONDENTS WHO HAD ME LOCKED UP IN THE HOLE FOR 8 MONTHS WITHOUT RADIO, TV, NEWSPAPER OR LAW LIBRARY ACCESS FROM C. 12/6/94 TO 7/4/95. EVEN SO I DULY SUBMITTED A MOTION TO QUASH THE ORDER TO SHOW CAUSE WHICH SAID COMMISSIONER FRAUDULENTLY REFUSED TO FILE OR FILE STAMP, FILING ONLY MY MOTION TO DISQUALIFY HIM ON 4/10/95 [ 3-1 ].

THESE LATTER OVERT ACTS WERE IN FURTHERANCE OF THE CONSPIRACY TO VIOLATE MY CIVIL, STATUTORY AND FEDERAL CONSTITUTIONAL RIGHTS UNDER COLOR OF AUTHORITY AND SOUGHT TO DISTORT AND TO CORRUPT THE PROCESS OF LAW BY CONDONING, AUTHORIZING, PERMITTING OR DIRECTING RESPONDENT STATE/COUNTY OFFICIALS' DELIBERATE OBSTRUCTION AND INTERFERENCE WITH CONSTITUTIONAL AND FEDERAL STATUTORY RIGHT OF ACCESS TO THE COURTS OF THE UNITED STATES, IN GENERAL; AND MORE PARTICULARLY, INTENDED TO DISMISS MY PENDING DIRECT APPEALS IN USCA9 NO. 95-15724, D.C. # CV-93-20240-RMW: LORENZO ARTEAGA v. QUASIM INHAM DIRECTOR, SANTA CLARA COUNTY DEPARTMENT OF CORRECTIONS, et al., AND NO. 95-15723, D.C. # CV-93-20745-RMW: LORENZO ARTEAGA vs. SANTA CLARA COUNTY, et al., WHICH DULY DOCUMENTED THE CONSPIRACY AND FURTHERANCE OF CONSPIRACY AT THE APRIL 1990 AND DECEMBER 4, 1992 STATE PROSECUTIONS UP TO THE FILING OF MY OPENING BRIEFS C. APRIL 18, 1995. PORTMAN v. COUNTY OF SANTA CLARA 995 F2d 898 (9th Cir. 1993) BRETZ v. KELMAN 773 F2d 1026, 1035 (9th Cir. 1985) Ex parte

ON JULY 3, 1995 RESPONDENTS EFFECTED THE OBJECT OF THEIR ON-GOING CONSPIRACY BY FILING MANDATE IN THE USDC NCA NUMBERS C-93-20745-RMW AND C-93-20240-RMW. 18 USC §§ 1509, 1512, 1513, 241-242; 42 USC §§ 1983, 1985(2), 1985(3), 1986.

THE ALLEGED BASIS FOR DISMISSING MY FULLY BRIEFED APPEALS WAS THAT I HAD NOT DULY SUBMITTED MY MOTION FOR LEAVE TO PROCEED IFP AND IFP DECLARATION, WHEN IN FACT I HAD DULY AND TIMELY MAILED THE SAME AND FILED THE SAME PURSUANT TO HOUSTON v. LACK (1989) \_\_\_ U.S. \_\_\_. AND F.R.A.P. RULE 25(a)(c); HAVING DELIVERED THE SAME TO CORRECTIONAL OFFICERS LIVINGSTONE, MILLER, et al., AT PELICAN BAY STATE PRISON WHILE IN ADMINISTRATIVE SEGREGATION.

THE DAY AFTER MANDATE FILED, ON JULY 4 OR 5, 1995, PRISON OFFICIALS SHOT ME WITH PEPPERS GAS WEAPONS AS I WAS ALONE IN MY CELL DOING MY LEGAL WORK PREPARING MY PETITION FOR WRIT OF CERTIORARI TO THIS HONORABLE COURT TO REINSTATE MY FRAUDULENTLY DISMISSED DIRECT APPEALS. ALL OF MY LEGAL RECORDS, EVIDENCE AND LOWER COURT ORDERS AND LEGAL MAIL WERE AGAIN TOTALLY REMOVED. I WOULD NOT RECEIVE ANY OF MY LEGAL RECORDS UNTIL SEPTEMBER OR OCTOBER 1995 TO HAVE PRECLUDED MY PETITION FOR WRIT OF CERTIORARI IN USCA9 Nos. 95-15075, 95-15076, 95-15723 AND 95-15724 BY SUCH OVERT ACTS IN CONSPIRACY AND FURTHERANCE OF CONSPIRACY TO DISTORT AND TO CORRUPT THE PROCESS OF LAW. BRETZ v. KELMAN 773 F2d 1026, 1035 (9th Cir. 1985) (en banc). LOGAN v. ZIMMERMAN BRUSH CO. (1982) \_\_\_ U.S. \_\_\_. 711 Fed2d 265, 42 U.S.C. §§ 1983, 1985(2), 1985(3). 1986: 1st, 5th, 6th AND 14th AMENDMENTS, ART. III, ART. I, § 9, U.S. CONSTITUTION.

THROUGHOUT THESE CHAOTIC CIRCUMSTANCES I HAVE PROCEEDED AS COURT-APPOINTED ATTORNEY OF RECORD AT MY NISI PRIUS PROCEEDINGS IN SANTA CLARA COUNTY SUPERIOR COURT AND ON DIRECT APPEAL IN THE CALIFORNIA COURT OF APPEALS, SIXTH APPELLATE DISTRICT, CALIFORNIA SUPREME COURT AND UNITED STATES DISTRICT COURTS - NORTHERN AND EASTERN DISTRICTS OF CALIFORNIA, THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT AND THE SUPREME COURT OF THE UNITED STATES. 28 U.S.C. § 1654.

ON MAY 22, 1997 I WAS SET-UP BY STATE PRISON OFFICIALS IN CONSPIRACY AND FURTHERANCE OF CONSPIRACY DETAILED SINCE MAY 24, 1990 IN C-90-20326-RFP; TO REMOVE ALL OF MY PENDING LEGAL RECORDS AND LOWER COURT ORDERS AND OBTAIN PROCEDURAL AND SUBSTANTIVE DEFAULTS. THESE OVERT ACTS ARE DOCUMENTED IN USDC N CA No. C-97-2622-PMS FILED 7/16/97 REASSIGNED TO C-97-20665 RMW AFTER USCA9 HAD DISMISSED MY APPEALS IN USCA9 Nos. 96-16222 AND 96-16223 ON 7/21/97, THE INSTANT SUBJECT OF U.S. SUPREME COURT DOCKET Nos. A-314: LORENZO ARTEAGA v. PETE WILSON, GOVERNOR OF CALIFORNIA AND U.S. SUPREME COURT Nos. 96-9513, 96-9113, 97-5677 AND 97-6749, ALL PETITIONS PENDING AT THIS POINT IN TIME.

ON SUNDAY OCTOBER 26, 1997 I WAS ABLE TO FILE ONLY MY ORIGINAL APPELLANT'S/PETITIONER'S OPENING BRIEF OTHERWISE IN COMPLIANCE WITH THE USCA9 TIME SCHEDULE ORDER FILED 9/15/97 IN DOCKET No. 97-16705: LORENZO ARTEAGA, PLAINTIFF-APPELLANT vs. DANIEL E. LUNDGREN, et al., DEFENDANTS-APPELLEES, BUT I WAS NOT ALLOWED TO COMPLY WITH THE UNITED STATES SUPREME COURT ORDERS ENTERED ON OCTOBER 6, 1997 IN DOCKET No. 96-9513 FOR THE REASONS HEREIN ABOVE AND HEREIN STATED AND BRIEFED IN USCA9 No. 97-16705 AND IN PETITION(S) FOR RECONSIDERATION IN U.S. SCt Nos. 96-9513, 97-5677, 96-9113, 96-9196, 96-9197, 96-9328, 96-9329, 96-9309, et al.: WITH KNOWLEDGE AND CONTEMPT OF SAID U.S. COURT ORDERS. DEFENDANTS/RESPONDENTS DELIBERATELY REFUSED TO RETURN MY STATIONERY OR PROVIDE ME OTHER STATIONERY AND FALSIFIED ADMINISTRATIVE AND LEGAL RECORDS IN CONSPIRACY AND FURTHERANCE OF CONSPIRACY TO DENY ME ACCESS TO THE PRISON LAW LIBRARY TO DELIBERATELY OBSTRUCT, IMPEDE, HINDER, DELAY AND/OR KNOWINGLY AND WILLFULLY VIOLATE SAID USCA9 No. 97-16705 AND 96-9513, et al. U.S. COURT ORDERS. 18 USC § 1509, 1512, 1513, 1701-3, 241-242, 42 USC §§ 1986, 1985(2), 1985(3), 1983. PORTMAN v. SANTA CLARA 995 F2d 1898.

REASONS FOR GRANTING THE PETITION

I HAD TO USE PAPER BAGS TO WRITE ON MY COPIES TO THIS COURT AND USCA9 AND OTHERS AS RESPONDENTS CONTINUED AND CONTINUE TO DELIBERATELY OBSTRUCT AND VIOLATE U.S. COURT ORDERS, INCLUDING THIS PETITION AND PROCEEDING AND LEGAL REDRESS. 18 USC 551509, 1512, 1513, 241-242; 42 USC 551986, 1985(2), 1985(3), 1983.

STATIONERY WAS ONLY ONCE REASONABLY PROVIDED: ON OCTOBER 31, 1997 I WAS ALLOWED TO OBTAIN SOME OF MY OWN STATIONERY BUT I WAS NOT ALLOWED TO ACCESS OR REVIEW ALL OF MY NECESSARY PENDING LEGAL RECORDS. EVEN SO, I DID DISCOVER THE FOLLOWING CRITICALLY CRUCIAL INFORMATION:

UNITED STATES COURT OF APPEALS **FILED**  
FOR THE NINTH CIRCUIT

JUNE 11 1992  
CATHERINE A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

LORENZO ARTEAGA,  
PETITIONER-APPELLANT.

vs.

FRANK LESLIE HALL, DIRECTOR OF SANTA CLARA COUNTY DEPT. OF CORRECTIONS,  
RESPONDENT-APPELLEE.

No. 92-15341  
D.C. # CV-91-2534-RFP  
NORTHERN CALIFORNIA

**ORDER**

BEFORE: FLETCHER AND LEAVY, Circuit Judges

APPELLANT'S MOTION FOR A STAY OF THE APPELLATE PROCEEDINGS PENDING THE CALIFORNIA SUPREME COURT'S RESOLUTION OF HIS PENDING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED.

APPELLANT'S MOTION FOR BAIL PENDING THE CALIFORNIA SUPREME COURT'S RESOLUTION OF HIS PENDING PETITION FOR WRIT OF HABEAS CORPUS IS DENIED.

APPELLANT'S OPENING BRIEF AND EXCERPTS OF RECORD ARE DUE AUGUST 5, 1992; APPELLEE'S BRIEF IS DUE SEPTEMBER 4, 1992; THE REPLY BRIEF, IF ANY, IS DUE SEPTEMBER 18, 1992.

CR CAL 6/10/92 SP-B

THE ABOVE EXCERPT OF THE USCA9 ORDER FILED JUNE 11, 1992 No. 92-15341, D.C. # CV-91-2534-RFP NORTHERN CALIFORNIA WAS NOT DELIVERED TO OR RECEIVED BY ME UNTIL OCTOBER 31, 1997 DUE TO SAME DELIBERATE CONSPIRACY AND ON-GOING OVERT ACTS OF OBSTRUCTION AND RESPONDENTS REFUSED TO ALLOW ME TO RETAIN THE ORIGINAL COPY AND REFUSED AND CONTINUE TO REFUSE TO ALLOW ME TO REASONABLY ACCESS ALL OF MY PENDING LEGAL RECORDS AND LOWER COURT ORDERS NOW AT ISSUE IN HABEAS CORPUS AND DIRECT APPEAL PROCEEDINGS USCA9 Nos. 96-16222, 96-16223, CV-94-1575AMS, CV-94-3046FMS, 96-9513, 97-5677, 97-6749, AND U.S. SCY No. A-314. et al.

ON OR ABOUT JUNE 11, 1992 - THE DATE THE USCA9 ORDER WAS FILED - PETE WILSON, GOVERNOR OF CALIFORNIA, DANIEL E. LUNDGREN, ATTORNEY GENERAL OF CALIFORNIA AND THEIR CALIFORNIA BOARD OF PRISON TERMS APPOINTEE'S COMMISSIONER R. BEEKMAN, DEPUTY COMMISSIONERS ERNIE CALDERON (916) 322-6717, DOE VASQUEZ AND OTHER HIGH LEVEL OFFICIALS DELIBERATELY CAUSED ME TO BE INJECTED WITH AN OVERDOSE OF TUBERCULIN. THIS OVERT ACT WAS IN FURTHERANCE OF THEIR PRIOR OVERT ACT(S) OF HAVING SET ME UP IN THE HOLE AT SUSANVILLE STATE PRISON IN NOVEMBER 1991 TO DELIBERATELY OBSTRUCT U.S. SUPREME COURT ORDERS Nos. A-594, A-21, A-22, A-23, A-794, et al. AND SO HAVING MALICIOUSLY HOUSED ME WITH A GUY WHO HAD TUBERCULOSIS FOR 3-4 MONTHS UNTIL THEY AGAIN TRANSFERRED ME TO TEHACHAPI STATE PRISON ON FEBRUARY 28, 1992 WHEN THE HONORABLE JUSTICE SANDRA DAY O'CONNOR HAD GRANTED ME AN EXTENSION OF TIME TO FILE A PETITION FOR WRIT OF CERTIORARI TO MARCH 10, 1992 WHICH WAS SO DELIBERATELY OBSTRUCTED AND PRECLUDED BY RECORDS' REMOVALS.

THE TUBERCULIN INJECTION WAS INTENDED TO EFFECT THE SAME CONSPIRACY - SENDING ME TO BAKERSFIELD COUNTY HOSPITAL EMERGENCY FOR ALMOST A WEEK IN ORDER TO REMOVE ALL OF MY PENDING LEGAL RECORDS AND USCA9 No. 92-15341 ORDER TO DELIBERATELY VIOLATE OR OBSTRUCT SAID U.S. COURT ORDERS BY CONSPIRACY AND OVERT ACTS IN FURTHERANCE OF CONSPIRACY TO DISTORT AND TO CORRUPT THE PROCESS OF LAW.

ON OR ABOUT JULY 11, 1992 PETE WILSON, DANIEL E. LUNDGREN, R. BEEKMAN, ERNIE CALDERON, DOE VASQUEZ AND OTHER HIGH LEVEL PRISON OFFICIALS OF THE LEGAL PROCESSING UNIT IN SACRAMENTO PLACED ONE OF THEIR VIOLENT PROGRAMMED INMATES IN MY CELL AT TEHACHAPI STATE PRISON TO BEAT ME UP AND FABRICATE A "CELL FIGHT" TO AGAIN REMOVE THE USCA9 No. 92-15341 COURT ORDER AND FALSELY LOCK ME UP IN THE HOLE TO

FORCE ME TO SIGN PAROLE PAPERS (AS I AM AGAIN TODAY SIMILARLY SET-UP IN THE HOLE AFTER BEING BEAT UP WHILE I WAS HANDCUFFED, AND LATER RECEIVING 15 STITCHES ON MY HEAD IN THE HOLE AT SALINAS VALLEY STATE PRISON BEFORE THEY TRANSFERRED ME TO THIS HOLE AT CORCORAN STATE PRISON) TO REMOVE ALL OF MY PENDING LEGAL RECORDS AND LOWER COURT ORDERS BY CONSPIRACY AND OVERT ACTS IN FURTHERANCE OF CONSPIRACY TO DISTORT AND TO CORRUPT THE PROCESS OF LAW UNDER COLOR OF AUTHORITY. BRETZ v. KELMAN 773F<sub>2</sub>d 1026

ON AUGUST 5, 1992 I SIGNED PAROLE PAPERS WITHOUT KNOWLEDGE OF THE USCA9 No. 92-15341 COURT ORDER AND UNDER DURESS FOLLOWING AN UNCONSTITUTIONAL CALIFORNIA BOARD OF PRISON TERMS HEARING ORDERED BY PETE WILSON, DANIEL E. LUNDREN, R. BEEKMAN, ERNIE CALDERON AND THEIR APPOINTED COMMISSIONERS AND DEPUTY COMMISSIONERS CONVENED WITHOUT STATUTORY OR CONSTITUTIONAL JURISDICTION OR AUTHORITY ON JULY 14, 1992 AT WHICH HEARING THE BPT ORDERED ME TO SIGN PAROLE PAPERS. WHEN I REFUSED TO SIGN BECAUSE, AS I TOLD THE BOARD OF PRISON TERMS, I HAD ALREADY FULLY EXACTED AND OVER-EXACTED MY COURT-ORDERED 2 YEAR, 4 MONTH PRISON SENTENCE BY 3 MONTHS AND WAS BEING DETAINED WITHOUT ANY COURT ORDER OR LEGAL CAUSE OR LEGAL PROCESS, THE BPT WHICH HAD NO JURISDICTION AS I WAS NOT AND AM NOT A LIFER AND HAD NO ADMINISTRATIVE LAW ON THE MATTER PER DANIEL E. LUNDREN AND THEIR LEGAL COUNSEL OPINION, NEVERTHELESS ORDERED ME RETAINED IN STATE PRISON FOR 6 MORE MONTHS AND TOLD ME THAT THEY COULD AND WOULD CONTINUE TO KEEP ME IN PRISON IN THE HOLE FOR FOUR (4) MORE YEARS WITHOUT ANY LEGAL COURT ORDER OR JUDICIAL PROCESS. THE WRITTEN RECORD OF THIS PROCEEDING WAS FILED IN CAADG No. H010082 (7-29-92) AND H010095 (8-6-92) AND THE SAME CAADG REFUSED TO TAKE JUDICIAL NOTICE OF SAID PROCEEDING ON DIRECT APPEAL No. H012729 (5/24/97) AND THE USCA9 ALSO REFUSED TO TAKE JUDICIAL NOTICE AT FOOTNOTE 1 FILED 7/21/97 IN USCA9 No.

96-16222 AND 96-16223 NOW AT ISSUE IN THIS HONORABLE COURT IN APPLICATION No. A-314: LORENZO ARTEAGA v. PETE WILSON, GOVERNOR OF CALIFORNIA, et al., THE CALIFORNIA DEPARTMENT OF CORRECTIONS CHRONOLOGICAL HISTORY SHEET DATED 6-22-92 IS ATTACHED AS APPENDIX D<sup>1</sup>

ON AUGUST 6, 1992 I WAS SUPPOSEDLY PAROLED BUT IN CONSPIRACY AND EXTENSION OF CONSPIRACY RESPONDENTS HAD THEIR CHAIN CONSPIRATOR REDWOOD CITY/COUNTY SHERIFF AGENTS WAITING FOR ME IN THE R&R RECEIVING AND RELEASE BUILDING FOR AN ALLEGED 3-YEAR OLD TRAFFIC TICKET MATTER I HAD ALREADY ADJUDICATED PURSUANT TO CALIFORNIA PENAL CODE SECTION 1381. THIS OVERT ACT WAS INTENDED TO ALLOW RESPONDENTS TO RETAIN MY LEGAL RECORDS AND PENDING LOWER COURT ORDERS BY CONSPIRACY AND FURTHERANCE OF CONSPIRACY TO VIOLATE MY RIGHT OF ACCESS TO THE COURTS AND DENY ME DUE PROCESS AND EQUAL PROTECTION OF THE LAW TO DISTORT AND TO CORRUPT THE PROCESS OF LAW UNDER COLOR OF AUTHORITY.

ON SEPTEMBER 4, 1992 I WAS ENROLLED AND ATTENDING CLASSES FULL-TIME AT SAN JOSE STATE UNIVERSITY AND KNEW NOTHING OF THE JUNE 11, 1992 USCA9 No. 92-15341 COURT ORDER.

ON SEPTEMBER 18, 1992 MY PETITION FOR REVIEW IN MY DIRECT APPEAL CAADG No. H007751, SUPERIOR COURT OF SANTA CLARA No. 138120 WAS FILED IN THE CALIFORNIA SUPREME COURT CRYPTICALLY NUMBERED S028858: LORENZO ARTEAGA v. PETE WILSON, et al., CAADG Nos. H010082 (7-29-92) AND H010095 (8-6-92).

THE DISMISSAL FOR FAILURE TO PROSECUTE USCA9 No. 92-15341 HABEAS CORPUS PETITION WAS NOT CAUSED BY ME BUT BY RESPONDENTS PETE WILSON, DANIEL E. LUNDREN, et al., IN CONSPIRACY AND IN FURTHERANCE OF CONSPIRACY ALLEGED BY SHELDON PORTMAN FORMER PUBLIC DEFENDER OF SANTA CLARA COUNTY IN PORTMAN v. COUNTY OF SANTA CLARA 995 F<sub>2</sub>d 898 (9th Cir. 1993).

<sup>1</sup> APPENDIX D TO THE SEPARATE PETITION FOR WRIT OF CERTIORARI AT WHICH APPENDIX A IS THE USCA9 No. 95-80113 ORDER FILED NOVEMBER 19, 1997. Q.V. JUDICIAL NOTICE REQUESTED. (MAILED NOVEMBER 23, 1997; SHOULD BE POST-MARKED NOVEMBER 24, 1997).

BUT UNLIKE PORTMAN, WHO THE NINTH CIRCUIT FOUND HAD NO STANDING TO RAISE THE LEGAL ISSUES HE BROUGHT ON BEHALF OF HIS CLIENTS OR FORMER CLIENTS, I AM RAISING THE EXACT SAME LEGAL ISSUES AND I DO HAVE STANDING AS I AM RAISING THESE SAME ISSUES AS A PRO SE DEFENDANT ON DIRECT APPEAL WHO WAS A FORMER CLIENT ON WHOSE BEHALF MR. PORTMAN BROUGHT HIS FEDERAL CONSTITUTIONAL CLAIMS. MOREOVER, UNLIKE PORTMAN v. COUNTY OF SANTA CLARA WHERE THE NINTH CIRCUIT FOUND THAT HIS CLAIMS WERE NOT "RIPE FOR REVIEW" MY SAME FEDERAL CONSTITUTIONAL CLAIMS ARE RIPE FOR REVIEW AND THE NINTH CIRCUIT, TENTH CIRCUIT, THIRD CIRCUIT AND FIRST CIRCUIT COURT OF APPEAL CONFLICTS LEFT UNRESOLVED SINCE 1993 SHOULD NOW BE RESOLVED IN THE INSTANT DIRECT APPEAL.

ON DECEMBER 4, 1992 AFTER RESPONDENTS' SANTA CLARA COUNTY, et al., FORCED ME TO DEFAULT ON USCA9 NO. 92-15341 BY CONSPIRACY AND OVERT ACTS IN FURTHERANCE OF CONSPIRACY TO DISTORT AND TO CORRUPT THE PROCESS OF LAW BY DELIBERATELY CONSPIRING WITH STATE OFFICIALS TO WITHHOLD AND REMOVE ALL OF MY PENDING LEGAL RECORDS (AS CONTINUES TO THE PRESENT TIME) AND TO WITHHOLD MY LEGAL MAIL SINCE MY ALLEGED PAROLE RELEASE ON AUGUST 6, 1992, RESPONDENTS EFFECTED THE OBJECT OF THEIR CONSPIRACY BY RE-ARRESTING ME WITHOUT JUST OR LEGAL OR PROBABLE CAUSE AND THEY REINSTATED A DEFUNCT STATUTORILY AND CONSTITUTIONALLY TIME-BARRED CRIMINAL COMPLAINT THEY HAD MALICIOUSLY FILED WITHOUT REASONABLE CAUSE ON APRIL 27, 1984 IN SANTA CLARA COUNTY SUPERIOR COURT NO. 125303, SANTA CLARA COUNTY MUNICIPAL COURT NO. C-84-47195. ORNELAS v. U.S., 116 Sct 1657 (1996). CHAPMAN v. CALIFORNIA 376 U.S. 172 (1967). RODIE v. COLUMBIA 12 LEd2d 894 (1964). MILLER v. PATE 17 LEd2d 690 (1967). BRADEN v. JUDICIAL CIRCUIT OF KENTUCKY 35 LEd2d 443 (1973). DOGGETT v. U.S. 505 U.S. 647, 651 (1992). GARLOTTE v. FORDICE 115 Sct 1948 (1995).

THE LEGAL RECORD HAS BEEN DISTORTED AND CORRUPTED SINCE.

#### CONCLUSION

FOR THE FOREGOING EXCEPTIONAL REASONS THE PETITION FOR WRIT OF CERTIORARI SHOULD BE GRANTED. ALTERNATIVELY, THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT ORDER AND/OR PROCEEDING NUMBERED 92-15341 ENTITLED LORENZO ARTEAGA, PETITIONER-APPELLANT vs. FRANK LESLIE HALL, DIRECTOR OF SANTA CLARA COUNTY DEPARTMENT OF CORRECTIONS, RESPONDENT-APPELLEE SHOULD BE REINSTATED AND PETITIONER SHOULD BE RELEASED ON HIS OWN RECOGNIZANCE PENDING SUCH FURTHER PROCEEDINGS AS THE COURT DEEMS JUST AND PROPER; TO RELEASE AN INNOCENT PERSON FROM UNCONSTITUTIONAL IMPRISONMENT.

RESPECTFULLY SUBMITTED,

Lorenzo Arteaga  
LORENZO ARTEAGA

DATE: NOVEMBER 23, 1997.

U.S. NO. 97-6749  
96-9513, . . .

VERIFICATION

(C.C.P. §§ 446, 2015.5; 28 U.S.C. § 1746)

I, LORENZO ARTEAGA, declare under the penalty of perjury that:

SUPPLEMENTAL TO PETITION FOR WRIT OF  
HABEAS CORPUS

I am the PETITIONER in the attached memorandum; I have read the foregoing document(s) and know the contents thereof; that the same is true of my own personal knowledge, or upon information and belief which I believe to be true; that if called to testify as to the contents thereof, I could do so competently as a sworn witness.

Executed this 30th day of NOVEMBER, 1997, at Salinas  
Valley State Prison, Soledad, CA 93960-1030. 93212  
CORCORAN

Lorenzo Arteaga

Declarant

\*\*\*\*\*  
DECLARATION OF SERVICE BY MAIL

(C.C.P. §§ 1013(a), 2015.5; 28 U.S.C. § 1746)

I, LORENZO ARTEAGA, declare: That I am a resident of Salinas  
Valley State Prison, Soledad, California; I am over the age of 18 years; I am PRO SE  
a party to the above entitled action; My address is P.O. Box 1030, Soledad, 93960, CORCORAN  
California 93960-1030; I served the attached document(s) entitled:  
93212  
SUPPLEMENTAL TO PETITION FOR WRIT OF  
HABEAS CORPUS

on the persons/parties specified below by placing a true copy of said document into a sealed envelope with the appropriate postage affixed thereto and placing said envelope(s) into the United States Mail in a deposit box provided for at the Salinas Valley State Prison, Soledad, California, addressed as follows:  
HANDS OF STATE PRISON OFFICIALS IN ONLY MANNER PERMITTED,  
ADDRESSED AS FOLLOWS:

1. SETH P. WAXMAN  
SOLICITOR GENERAL OF THE U.S.  
ROOM 5614  
DEPARTMENT OF JUSTICE  
950 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20530-0001

DANIEL E. LUNDGREN  
ATTORNEY GENERAL  
P.O. BOX 944255  
SACRAMENTO, CA  
94244-2550

There is First Class mail delivery service by the United States Mail at the places so addressed and/or regular communication by mail between the place of mailing and the addresses above. I declare under the penalty of perjury that the foregoing is true and correct and that I executed this service on this 30th day of NOVEMBER, 1997, at Salinas Valley State  
Prison, Soledad, California 93960-1030. 93212. CORCORAN

Lorenzo Arteaga

Declarant

97-6749

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

LORENZO ARTEAGA — PETITIONER

VS

USCA9, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

USCA9

FIRST SUPPLEMENTAL TO  
PETITION FOR WRIT OF HABEAS CORPUS  
(APPENDICES TO SUPPLEMENTAL)

LORENZO ARTEAGA

E-66703  
4001 KING AVENUE / P.O. BOX 8800

CORCORAN, CA 93212

Supreme Court, U.S.  
FILED

DEC 3 1997

CLERK

RECEIVED

DEC 6 1997

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

STATEMENT OF THE CASE

THE STATEMENT OF THE CASE IS SET FORTH IN THE SUPPLEMENTAL TO  
PETITION FOR WRIT OF HABEAS CORPUS DATED NOVEMBER 30, 1997.  
SAID SUPPLEMENTAL WAS MAILED WITHOUT THE ATTACHED APPENDICES BECAUSE  
OF RESPONDENTS' LAST OVERT ACT OF DELIBERATELY WITHHOLDING THE  
ATTACHED APPENDICES UNTIL TONIGHT, DECEMBER 2nd 1997.

INDEX TO APPENDICES

APPENDIX A DECLARATION OF COMPLIANCE WITH COURT CLERK'S  
AUGUST 14, 1997 PURSUANT TO RULE 30.4 AND/OR  
RULE 29.2 U.S. SUPREME COURT (DATED 11-8-97)

APPENDIX B PETITION FOR WRIT OF HABEAS CORPUS/CERTIORARI  
ON PETITION FOR A WRIT OF CERTIORARI TO  
CALIFORNIA COURT OF APPEALS FOR THE SIXTH  
APPELLATE DISTRICT (CAAD6) AND/OR SUPERIOR  
COURT OF SANTA CLARA COUNTY, CALIFORNIA \*

PETITION FOR WRIT OF CERTIORARI ORIGINALLY  
POSTMARKED JULY 16, 1997 AND RECEIVED AGAIN ON  
NOVEMBER 14, 1997, ENTITLED ARTEAGA v. SUPERIOR  
CT. OF SANTA CLARA. PER COURT CLERK'S LETTER  
DATED NOVEMBER 17, 1997 NOT DELIVERED UNTIL  
DECEMBER 2, 1997 (ALTHOUGH POSTMARKED NOVEMBER  
19, 1997) AND INCLUSIVE APPENDICES AND THE WHOLE  
THEREOF

APPENDIX C CLERK'S NOVEMBER 17, 1997

APPENDIX



DECLARATION OF COMPLIANCE...

DECLARATION OF COMPLIANCE WITH COURT CLERK'S AUGUST 14, 1997  
PURSUANT TO RULE 30.4 AND/OR RULE 29.2 U.S. SUPREME COURT

1. ON 8-15-97 RESPONDENTS WERE AWARE OF CLERK'S 8-14-97 LETTER TO ME ATTACHED AS APPENDIX C TO THE CORRECTED PETITION TIMELY RECEIVED ON OCTOBER 6, 1997 "WITHIN 60 DAYS OF THE DATE OF THIS LETTER" (CLERK'S 8-14-97);
2. ON 8-15-97 RESPONDENTS TRANSFERRED THE INMATE THEY HAD HOUSED IN <sup>MY</sup> CELL FOR 2 1/2 MONTHS AND IMMEDIATELY REPLACED HIM WITH AN EXTREMELY VIOLENT PROGRAMMED CONFIDENTIAL INFORMANT WHO ADMITTED TO ME THAT HIS MISSION ON BEHALF OF RESPONDENTS WAS TO PRECLUDE MY COMPLIANCE WITH THE 8-14-97 CLERK'S LETTER AND I IMMEDIATELY REQUESTED HE BE REMOVED VERBALLY AND BY ADMINISTRATIVE WRITTEN APPEAL;
3. ON 8-18-97 AS I WAS WORKING ON MY PETITION FOR WRIT OF CERTIORARI TO THIS COURT AND MY BACK WAS TURNED HANDWRITING SAID PETITION RESPONDENT'S INMATE AGENT SUDDENLY AND WITHOUT PROVOCATION BEGAN TO VIOLENTLY BEAT ME IN THE BACK OF THE HEAD WITH A DEADLY WEAPON IN THE FORM OF A CONCRETE-DURABLE "CUP" PROVIDED BY RESPONDENTS FOR SAID COLLATERAL PURPOSE;
4. ON 8-18-97 DR. LUCINE OF SALINAS VALLEY STATE PRISON PUT FIFTEEN (15) STITCHES ON THE TOP AND BACK OF MY HEAD AS HE COMMENTED ON THE EXCESSIVELY VIOLENT INJURIES HE HAD OBSERVED IN THE PAST AND IN MY CASE CAUSED BY SUCH DANGEROUS UNBREAKABLE CUPS AND FIVE (5) PHOTOGRAPHS OF MY INJURIES WERE TAKEN;
5. ON 8-19-97 I RECEIVED THE CLERK'S 8-14-97 LETTER AND REFERENCED PAPERS AS WELL AS THE PAPERS REFERENCED IN THE CLERK'S JUNE 11, 1997 LETTER WHICH HAD EQUALLY BEEN DELIBERATELY VIOLENTLY OBSTRUCTED BY TWO (2) PREVIOUS ATTEMPTED MURDERS/AGGRAVATED BATTERY INCIDENTS ON 5-24-97 AND 5-30-97; ORCHESTRATED BY RESPONDENTS UNDER COLOR OF AUTHORITY. (USCA9 NO. 97-16725);

6. I DID NOT WANT RESPONDENTS TO SUCCEED IN FORCING ME TO DEFAULT ON THE 8-14-97 LETTER AS THEY HAD ON THE 6-11-97 LETTER AND REMOVE THE CASC NO. S059401 AND CAAD6 NO. H016397 ORDERS FROM ME AGAIN AS THEY DID ON 5-24-97 SO I MAILED THE JUNE 11, 1997 PAPERS BACK ON THE SAME DAY I RECEIVED THE 8-14-97 LETTER HOPING THAT I WOULD STILL HAVE A COPY OF THE ORDERS AVAILABLE AS I KNEW MY LIFE WAS AGAIN IN DANGER AS RESPONDENTS HAVE STOPPED AT NOTHING TO PREVENT ME FROM FILING THIS PETITION ON DIRECT APPEAL AS IT REQUIRES REVERSAL AND/OR GVR OF MY UNCONSTITUTIONAL STATE COURT CONVICTIONS AND SENTENCES OBTAINED IN 1993-1994 AND THE SAME UNCONSTITUTIONAL CONVICTIONS AND SENTENCES OBTAINED IN JULY-AUGUST 1990 ALL ARISING OUT OF A CRIMINAL COMPLAINT FILED APRIL 27, 1984 BASED UPON AN AUGUST 31, 1982 EX PARTE CIVIL COURT TEMPORARY CUSTODY ORDER;
7. ON 9-12-97 I AGAIN SERVED A COPY OF THIS PETITION ON DEFENDANTS/RESPONDENTS ASSOCIATE WARDEN P. TINGEY AND PRISON LAW LIBRARIAN A. NAPPI FOR COPY SERVICE ADDRESSED TO DANIEL E. LUNDREN, ATTORNEY GENERAL CALIFORNIA, 300 S. SPRING ST., LOS ANGELES, CA 90013, PETE WILSON, GOVERNOR, STATE CAPITOL, SACRAMENTO, CA 95814, SUPER. CT. OF CA, 115 TERRAIN ST. SAN JOSE, CA 95113, et al.
8. ON 9-12-97 MY 42 USC §1983 ARTEAGA v. LUNDREN NO CIV.S-97-1728GB <sup>UNDER COLOR OF AUTHORITY</sup> ADDRESSING ABOVE-CITED VIOLENCE ~~WAS FILED AND SERVED ON 10-13-97~~;
9. ON 9-15-97 I ~~WAS~~ - AS EXPECTED - TRANSFERRED ADVERSELY TO CORCORAN STATE PRISON AND THE 8-14-97 LETTER AND PETITION DELIBERATELY REMOVED; I COULD NOT MAIL THE ORIGINAL AS CORRECTED PER 8-14-97 LETTER UNTIL 9-28-97 BECAUSE RESPONDENTS KEPT ME IN "THE HOLE" WITHOUT STATIONERY OR ENVELOPES TO FORCE ME TO DEFAULT ON THE 8-14-97 ORDER.

DECLARATION OF COMPLIANCE...

10. ON 10-6-97 THIS COURT, THE U.S. SUPREME COURT, ISSUED AN ORDER IN LORENZO ARTEAGA v. CALIFORNIA No. 96-9513 WHICH REQUIRED ME TO "SUBMIT A PETITION IN COMPLIANCE WITH RULES 33.1 OF THE RULES OF THIS COURT" BY 10-27-97 AND TO "SEE RULE 39.8." 38(a), et al. I COULD NOT COMPLY WITH THIS DIRECT ORDER OF COURT BECAUSE RESPONDENTS DANIEL E. LUNDGREN, PETE WILSON, AND THEIR CALIFORNIA DEPARTMENT OF CORRECTION, THOMAS MADDOCK, DIRECTOR, et al. DELIBERATELY PREJUDGED THIS PETITION IRREPARABLY: DOCKET NO. 96-9513 AS THEY ALSO IRREPARABLY PREJUDGED PENDING U.S. SUPREME COURT PROCEEDINGS DOCKET NOS. 96-9196, 96-9197, 96-9328, 96-9329, 96-9309, 96-9113, 97-5677 AND THE INSTANT PETITION PROCEEDING CASC NO. S059401, CAAD6 NO. H016397, SUPER CT NO. 161396 BY THE OVERT ACTS DOCUMENTED AND SUBMITTED TO THIS HONORABLE COURT ON 10-15-97 IN A PETITION FOR REHEARING AND IN THE CORRECTED "PETITION FOR RECONSIDERATION" DATED/FILED 10-22-97 FIRST CLASS LEGAL MAIL POSTAGE PREPAID AND IN THE INCORPORATED DECLARATION AND DOCUMENTARY RECORDS SUBMITTED THEREWITH IN RESPONSE TO THIS COURT'S 10-6-97 ORDER ENTERED IN U.S. SCT NO. 96-9513 AND SAID PETITION FOR RECONSIDERATION, DECLARATION(S), DOCUMENTARY RECORDS AND OBSTRUCTED FILINGS ARE REALLEGED AND INCORPORATED HEREIN IN FULL UPON MY OWN FIRSTHAND PERSONAL KNOWLEDGE IN SUPPORT OF THIS DECLARATION THAT I DID COMPLY WITH THE CLERK'S AUGUST 14, 1997 LETTER AS THE CORRECTED COPY WAS RECEIVED ON OCTOBER 6, 1997;

11. ON 10-28-97 THE CLERK ISSUED TWO (2) SEPARATE <sup>LETTERS</sup> ~~MANIFEST~~ CASC NO. S059401, CAAD6 NO. H016397; THE CORRECTED PETITION WAS RECEIVED ON 10-6-97 PURSUANT TO THE CLERK'S 8-14-97, THE RULE OF LAST IN TIME, RULE OF LENITY AND/OR THE CLERK'S 10-28-97 LETTER AND TOTALITY OF CIRCUMSTANCES PRESENTED HEREIN;

12. WHEN I MAILED THIS STILL-OBSTRUCTED PETITION FOR WRIT OF

DECLARATION OF COMPLIANCE...

RECEIVED BACK TO THIS COURT ON "MAIL PICK" SUNDAY NIGHT 9-28-97 IT WAS DEPOSITED IN THE ONLY AVAILABLE MANILLA LEGAL ENVELOPE RESPONDENTS ALLOWED ME TO HAVE. I INCLUDED THREE SEPARATE PETITIONS WITH A COVER LETTER/NOTE DISTINGUISHING THE THREE SEPARATE PETITIONS AND SAID SEPARATE PETITION'S WERE SEALED IN SAID ENVELOPE MARKED FIRST CLASS LEGAL MAIL TOGETHER WITH THE INSTITUTION'S INTERNAL MAIL SYSTEM FIRST-CLASS POSTAGE PREPAID TRUST ACCOUNT WITHDRAWAL ORDER: CORRECTIONAL OFFICERS V. LOPEZ AND DOE I WITNESSED THE MAILING PURSUANT TO HOUSTON v. LACK (1989) U.S. \_\_\_ , \_\_\_ S.Ct. \_\_\_ , \_\_\_ LEd2d \_\_\_ ;

13. I DID NOT INTEND THE <sup>PETITIONS</sup> ~~MANIFEST~~ TO BE CONSOLIDATED OR JOINED BUT FOR EACH TO BE SEPARATELY FILED AND SEPARATELY DOCKETED, AND HAD TO MAIL THEM AT ONCE AND IN THE SAME ENVELOPE BECAUSE FACILITY CAPTAIN LAMONDACA, LT. T. MALLOY, LT. MCENROE, LT. MCKLESKY AND THEIR OFFICERS WERE THREATENING TO EITHER HOUSE ANOTHER OF THEIR PROGRAMMED VIOLENT INMATES IN MY CELL OR TRANSFER ME TO SEGREGATED HOUSING AND HOUSE ME WITH AN INMATE TO BE BEAT UP AND TO AGAIN REMOVE THESE LEGAL PETITIONS SO I WOULD NOT TIMELY FILE THEM; TO OBSTRUCT THIS PETITION BY INTRINSIC AND EXTRINSIC FRAUD, VIOLENCE, THREATS AND INTIMIDATION;

14. I BARELY HAD ENOUGH PAPER TO COMPLY WITH USCAG TIME SCHEDULE ORDER NO. 97-16705, LORENZO ARTEAGA v. DANIEL E. LUNDGREN, et al. AND FILED OR LODGED ONLY ONE (1) ORIGINAL OPENING BRIEF ON SUNDAY 10-26-97 DUE MONDAY 10-27-97 BECAUSE RESPONDENTS WOULD NOT PROVIDE ME ACCESS TO MY LEGAL MATERIALS OR PROVIDE STATIONERY;

15. ON 10-31-97 AFTER PREJUDGING ALL MY PETITIONS RESPONDENTS PROVIDED ME WITH REASONABLE STATIONERY BUT NOT BEFORE ACTUAL INJURY/PREJUDICE;

16. ENCLOSED BY ITSELF IS THE TIMELY CORRECTED PETITION RECEIVED WITHIN 60 DAYS OF THE 8-14-97 LETTER ON 10-6-97 AND REQUEST THE COURT TAKE JUDICIAL NOTICE OF USCAG NO. 97-16705 AND U.S. SCT NOS. 96-9513, AND 97-5677. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT ON PERSONAL KNOWLEDGE. DATED: NOVEMBER 8, 1997.

\_\_\_\_\_  
LORENZO ARTEAGA

VERIFICATION

(C.C.P. §§ 446, 2015.5; 28 U.S.C. § 1746)

I, LORENZO ARTEAGA, declare under the penalty of perjury that:

I am the DECLARANT - PETITIONER in the attached matter; I have read the foregoing document(s) and know the contents thereof; that the same is true of my own personal knowledge, or upon information and belief which I believe to be true; that if called to testify as to the contents thereof, I could do so competently as a sworn witness.

Executed this 8th day of NOVEMBER, 1997, at <sup>CORCORAN</sup> Salinas  
Valley State Prison, Soledad, CA 93960. 93212

CORCORAN

Lorenzo Arteaga

Declarant

\*\*\*\*\*

DECLARATION OF SERVICE BY MAIL

(C.C.P. §§ 1013(a), 2015.5; 28 U.S.C. § 1746)

I, LORENZO ARTEAGA, declare: That I am a resident of <sup>CORCORAN</sup> Salinas Valley State Prison, Soledad, California; I am over the age of 18 years; I am PRO SE a party to the above entitled action; My address is P.O. Box 1030, <sup>CORCORAN</sup> Soledad, California 93960-1030; I served the attached document(s) entitled:

93212 DECLARATION OF COMPLIANCE WITH COURT CLERK'S AUGUST  
14, 1997 PURSUANT TO RULE 30.4 AND OR RULE 29.2 U.S. SUPREME COURT

on the persons/parties specified below by placing a true copy of said document into a sealed envelope with the appropriate postage affixed thereto and placing said envelope(s) into the United States Mail in a deposit box provided for at the Salinas Valley State Prison, Soledad, California, addressed as follows: PURSUANT TO HUSTON v. LACK (1989) — U.S. — (AS RESPONDENTS REFUSE TO PROVIDE A MAIL BOX TO DELIBERATELY AND CAPRICIOUSLY CENSOR, TAMPER WITH, DELAY, READ AND/OR COPY LEGAL MAIL AND COURT FILINGS WITHOUT JUST OR SUFFICIENT OR ANY LEGAL CAUSE THEREFOR) ADDRESSED AS FOLLOWS:

DANIEL E. LUNDGREEN  
ATTORNEY GENERAL  
50 FREMONT ST.  
SAN FRANCISCO, CA 94105

There is First Class mail delivery service by the United States Mail at the places so addressed and/or regular communication by mail between the place of mailing and the addresses above. I declare under the penalty of perjury that the foregoing is true and correct and that I executed this service on this 8th day of NOVEMBER, 1997, at <sup>CORCORAN</sup> Salinas Valley State Prison, Soledad, California 93960-1030.

CORCORAN

93212

Lorenzo Arteaga

Declarant

APPENDIX

B

## QUESTION(S) PRESENTED

Related: 96-9513, 96-9113, 96-9329  
 96-9309, 96-8700

IN THE

SUPREME COURT OF THE UNITED STATES  
 OCTOBER TERM, 1996

IN RE:  
 LORENZO ARTEAGA - PETITIONER

96-9328  
 96-9196  
 96-9197  
 96-8141  
 96-8146  
 96-8288  
 96-8289  
 97-5677

vs.  
 SUPERIOR COURT OF SANTA CLARA COUNTY, CALIFORNIA  
 [REDACTED] et al. - RESPONDENTS)

PETITION FOR WRIT OF HABEAS CORPUS/CERTIORARI  
 ON PETITION FOR A WRIT OF CERTIORARI TO

CALIFORNIA COURT OF APPEALS FOR THE SIXTH APPELLATE DISTRICT (CAAD6) AND/OR  
 SUPERIOR COURT OF SANTA CLARA COUNTY, CALIFORNIA

PETITION FOR A WRIT OF CERTIORARI

LORENZO ARTEAGA

4001 KING AVENUE/P.O. BOX 8800  
 124 ALDER STREET

CORCORAN, CA 93212  
 SOLEDAD, CA 93960

(408) 678-5503; 678-5500

RECEIVED  
 AUG 22 1997  
 OFFICE OF THE CLERK  
 SUPREME COURT, U.S.

WHAT REMEDY WILL AID IN THIS COURT'S ABOLUTE JURISDICTION WHERE AGGREGATE UNCONSTITUTIONAL STATE PROSECUTIONS AND "CONVICTIONS" GARLOTTE v. FORDICE 115 SCt 1948, 115 LED 2d 876, 878 (1995) WERE REINSTATED

MORE THAN TEN YEARS LATER WITHOUT STATUTORY OR CONSTITUTIONAL JURISDICTION AFTER THEY HAD BEEN ADJUDICATED ON THE MERITS WITH PREJUDICE IN BOTH STATE AND FEDERAL COURTS IN USDC N CA NOS. C 90-10326 RFP, C 90-20257 RFP, C 91-5744 RFP, C 91-583 RFP, C 91-2524 RFP, C 91-2534 RFP ET AL., WHEN THE SENIOR U.S. DISTRICT COURT NORTHERN CALIFORNIA JUDGE HON. ROBERT F. PECKHAM DECLINED C. FEBRUARY 1993 AND RESPONDENT SUPERIOR COURT OF SANTA CLARA COUNTY ELEVATED ANOTHER ONE OF THEIR COLLEAGUES TO THE USDC N CA SO THAT HE PROCEEDED TO "REMAND" THE UNCONSTITUTIONAL VINDICTIVELY REINSTATED STATE PROSECUTION BACK TO HIS COLLEAGUES IN RESPONDENT SUPERIOR COURT IN PROCEDURALLY OBSTRUCTED USDC N CA DOCKET NO. C 93-20134 RMW BY ABUSING HIS NEW-FOUNDED AUTHORITY AND PURPORTING TO "REVERSE" THE RES JUDICATA JUDGMENTS OF THE NOW-DECEASED HON. ROBERT F. PECKHAM AND THE USDC N CA AS WELL AS THE USCA9 HAVE SANCTIONED EXTREME ACTS AND CONTINUOUS COURSE AND CONDUCT CRIMES OF ATTEMPTED MURDER, AGGRAVATED ASSAULTS, AGGRAVATED BATTERY, STABBINGS, SHOOTINGS, SPOLIUM, SPOLIATION UNDER COLOR OF AUTHORITY IN ORDER TO COVER-UP THE CONSPIRACY AND UNCONSTITUTIONAL ILLEGAL INITIAL ARRESTS, PROSECUTIONS AND EXTRA-JURISDICTIONAL REMAND ORDER FILED APRIL 1, 1993 IN BOTH THE USDC N CA AND IN THE STATE RESPONDENT SUPERIOR COURT NISI PRIUS RECORD ON DIRECT APPEAL TO THE CALIFORNIA COURT OF APPEAL NO. 6 (CAAD6), USDC N CA NO. C 93-20134 RMW, CAAD6 NOS. H012729, H007757, H005397, H006074, H005398, H007583, H010095, H010082, H005774, H009739, ET AL. SUPERIOR COURT NOS. 161396, 138120, 125303, 505627, 98982, J019892, H015977, 5045783, 5057852; U.S. SCT. NOS. 96-9196, 96-9197, DETAILED IN U.S. SUPREME COURT DOCKET NOS. (NOW PENDING): 96-9513, 96-9113, 96-8700, 96-9328, 96-9196, 96-9197, 96-8288, 96-8141, 96-8146, 96-8289, 94-9212, 95-9260, 96-804, 95-7417, 95-80113, ET AL. SO THAT THE USDC N CA HAD AND HAS NO JURISDICTION TO REVIEW OR TAMPER WITH THE RES JUDICATA JUDGMENTS AT ISSUE SINCE 1982, 1984, 1988, 1990, 1992 AND THE USDC N CA HAS SKIRTED THE ISSUE REGARDING LACK OF JURISDICTION BY DENYING INJUNCTIVE RELIEF, DECLARATORY RELIEF AND TIMELY HABEAS CORPUS PETITIONS IT ALLOWED, CONDONED, DIRECTED OR AUTHORIZED TO BE PROCEDURALLY PREJUDGED AND OBSTRUCTED IN USDC N CA DOCKET NOS. C 96-20026 RMW, C 96-20935 RMW, C 96-20969 RMW, C 96-20877 RMW, C 93-20134 RMW — BEGINNING WITH C 93-20134 RMW, ET SEQ., ET AL., C 93-20134 RMW — BASED UPON THE LATEST USCA9 ORDERS ENTERED IN THE UNCONSTITUTIONAL MISREPRESENTATION AND CORRUPTION AND DISTORTION OF THE PROCESS OF LAW ORDER STYLED "PRE-FILING REVIEW ORDER" USCA9 NO. 95-80113 FILED MAY 5, 1995 AND IMMEDIATELY FORWARDED TO THE USDC N CA AT SACRAMENTO WHERE THE SAME USCA9 ORDER WAS REFILED ON MAY 8, 1995 IN THE DISTRICT WHERE PETITIONER WAS THEN HELD EFFECTIVELY SUSPENDING THE WRIT OF HABEAS CORPUS AND INITIAL CIVIL RIGHTS ACTIONS IN USDC N CA DOCKET AND NO. 91-CV-552, 92-CV-027, CV-91-552, CV-92-027 WHICH HAD BEEN FILED AND PENDING BEFORE PETITIONER WAS AGAIN VINDICTIVELY RE-PROSECUTED WITHOUT STATUTORY OR CONSTITUTIONAL JURISDICTION BY THE USDC N CA REMAND ORDER NO. C 93-20134 RMW WHICH UNCONSTITUTIONAL ORDERS HAVE DELIBERATELY EVADED U.S. CONSTITUTION ARTICLE III FEDERAL QUESTION AND DIVERSITY REVIEW TO THE PRESENT TIME<sup>1</sup> DOES RULE 10, 11, OR 20, 4(a) RULES OF THE SUPREME COURT GOVERN PETITIONER'S "PETITION TO LIFT THE PRE-FILING REVIEW ORDER" AND HOW CAN PETITIONER LIFT SAID UNCONSTITUTIONAL ORDER WHICH HAS IRREPARABLY PREJUDICED PAST, PRESENT AND PENDING LITIGATION AND DIRECT APPEAL AND HABEAS CORPUS ACTIONS IN BOTH STATE AND FEDERAL COURTS IN VIOLATION OF PUBLIC LAW 100-352, §7, 102 STAT 662 (1988) AND OF THE LIBERTY INTERESTS AND BLACK LETTER LAW LEGISLATIVE INTENT ENBODIED IN CALIFORNIA PENAL CODE SECTIONS 805.5(c)(2), 3, 800-805, IN VIOLATION OF DUE PROCESS AND EQUAL PROTECTION OF THE LAW AND REPUGNANT TO THE LAWS AND CONSTITUTION OF THE UNITED STATES AS EVIDENCED BY PENDING RELATED PETITIONS ON DIRECT APPEAL FROM STATE AND FEDERAL COURT NOS. 96-9513, 96-9113, 96-8700, 96-9329, 96-9309, 96-9326, 96-9196, 96-9197, 96-8141, 96-8146, 96-8288, 96-8289, USCA9 NOS. 95-80113, 96-16222, 96-16223, 95-15075, 95-15076, 95-15724, 95-15411, 94-80445, 91-80185, 91-16572, ET AL.<sup>2</sup>

DUE TO SUCH ABUSE OF AUTHORITY, ABUSE OF PROCESS, LACK OF JURISDICTION, UNCONSTITUTIONAL SUSPENDING OF THE WRIT OF HABEAS CORPUS IN SPECIFIC VIOLATION OF ART. I, §9, clause 2, clause 3, ART. I, §10, ART. III, ART. IV, §2, ART. III, §2 CAUSED BY USCA9 DOCKET NO. 95-80113 AND NO REMEDY PROVIDED SINCE MARCH 1994 AS EVIDENCED IN USCA9 DOCKET NOS. 96-16222, 96-16223 RENUMBERED OUT OF USCA9 NOS. 95-15075, 95-15076, 94-80445, 95-15723, 95-15724 (TO FRAUDULENTLY EVADE APPLICABLE CONSTITUTIONAL LAW AND ARTICLE III JURISDICTION) OBSTRUCTED DIRECT APPEAL PROCEEDINGS, AND CONTAINING DELIBERATE UNCONSTITUTIONAL OBSTRUCTION AND TOTAL UNAVAILABILITY OF ANY REMEDY SINCE 1982, AND EVIDENTLY EXCEPTIONAL CIRCUMSTANCES LAST EVIDENCED IN USCA9 DOCKET NOS. 95-80113 AND 96-16222, 96-16223 IS IT ANY WONDER WHY ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM OR FROM ANY OTHER COURT?<sup>3</sup>

\* ALSO IN VIOLATION OF PETITIONER'S FEDERAL STATUTORY AND CONSTITUTIONAL RIGHT TO ACCESS THE COURTS, REDRESS GRIEVANCES, PROCEED PRO SE UNDER 28 USC §1654 AND 1ST, 4TH AND 14TH AMENDMENTS, U.S. CONSTITUTION.)

<sup>1</sup> SEE USCA9 NO. 97-16705, LORENZO ARTEAGA V. DANIEL E. LUNDGREEN AND MOTION TO RECONSIDER/VACATE

# LIST OF PARTIES

ALL PARTIES DO NOT APPEAR ON COVER PAGE AND INCLUDE:

1. DANIEL E. LUNDREN
2. PETE WILSON
3. THOMAS MADDOCK
4. LEWIS JONES
5. GARY LINDSEY WARDEN SVSP
6. JOSEPH BASSO
7. P. TINCEY
8. G.E. HARRIS
9. P.H. CARRILLO  
AND SUCCESSORS/SUBORDINATES/CUSTODIANS
10. GEORGE M. CALAZA WARDEN CSP CORCORAN

# TABLE OF CONTENTS

OPINIONS BELOW.	1
JURISDICTION .....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	3
STATEMENT OF THE CASE .....	4
REASONS FOR GRANTING THE WRIT.....	5
CONCLUSION.....	5

# INDEX TO APPENDICES

APPENDIX A      CASC No. S059401 FILED 4-16-97  
CAAD6 No. H016397

APPENDIX B      CAAD6 No. ~~H016397~~ <sup>H016397</sup> FILED 2-20-97  
SUPER. CT. No. 161396

APPENDIX C      U.S. SCT CLERKS LETTERS/ORDERS DATED C. JULY  
AND AUGUST 14, 1997 RE: ARTERIA V. SUPERIOR COURT OF  
SANTA CLARA COUNTY, CALIFORNIA  
(NOT INCLUDED) Fed. R.EVIDENCE, RULE 201, et seq.

APPENDIX D      SEPARATELY SUBMITTED PETITION DATED CIRCA AUGUST 18, 1997  
(DELIBERATELY WITHHELD/OBSTRUCTED BY RESPONDENTS) IS  
INCORPORATED HEREIN IN FULL PURSUANT TO RULES 12, 4  
AND 20, 4(c), RULES OF THE SUPREME COURT AND ORAL  
JUDICIAL NOTICE IS REQUESTED.

APPENDIX E      SEE RELATED/IDENTICAL CONCURRENT PENDING PETITIONS ON DIRECT APPEAL  
AND/OR HABEAS CORPUS, INCORPORATED IN FULL AND OR JUDICIAL  
NOTICE REQUESTED, RULE 12, 4, 20, 4(a), RULES SUPREME COURT, R. 44,  
48;

APPENDIX F



IN THE

SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 1996

PETITION FOR A WRIT OF HABEAS CORPUS  
ON PETITION FOR A WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of habeas corpus and/or certiorari issue to review the judgment(s) below, GVR, and release petitioner from vindictive, double jeopardy, ex post facto constitutionally deficient void verdicts and extra-jurisdictional judgments entered after acquittal which are not even based upon any specific legislatively defined jurisdictional penal statute, in violation of the laws and constitution of the United States.

**OPINIONS BELOW**

For cases from STATE courts: The opinion of the JUDGES appears at APPENDIX A. To this petition and related petitions Nos 96-9573, 96-9113, 96-9329, 96-9309, 96-9328, 96-9196, 96-9197, 96-8146; UNPUBLISHED  
THE RELATED PENDING PETITIONS IN CCR 20170 / JUDICIAL WRITCE. FED. R-19 F.J.R-201...  
 THE LOWER COURT SIXTH APPELLATE STATE APPEAL COURT OPINION AT APPENDIX B IS ALSO UNPUBLISHED.

EXCEPTIONAL CIRCUMSTANCES. Because of the exceptional circumstances presented by this petition and the related opinions now on DIRECT REVIEW and Lis pendens, Rules 12.4 and 20.4(a) are additionally invoked pursuant to PUBL 100-352, §7, 102 Stat 662 (1988); see APPEALS AND WRITS IN CRIMINAL CASES, UPDATE MARCH 1996.

CALIFORNIA CRIMINAL LAW PRACTICE SERIES, Continuing Education of the Bar - California (CEB) [53.8], pp. 168-169, ART. I, §9, §10, ART. III, ART. III, §2, U.S.C.

THIS PETITION IS ADDITIONALLY BASED UPON THE LOWER COURT ORDERS LOCATED AT APPENDICES A, B, et seq., IN THE FOLLOWING U.S. SUPREME COURT DOCKETS INCORPORATED HEREIN IN FULL, TO-WIT: 13. LORENZO ARTEREA V. USC99

1. LORENZO ARTEAGA No. 96-9513	v. CALIFORNIA	7. LORENZO ARTEAGA No. 96-9196	No. 97-5677 v. SANTA CLARA DEPT. OF
2. LORENZO ARTEAGA No. 96-9113	v. USCA9	8. LORENZO ARTEAGA No. 96-9197	v. CALIFORNIA
3. LORENZO ARTEAGA No. 96-8700	v. USCA9	9. LORENZO ARTEAGA No. 96-8141	v. DON HILL
4. LORENZO ARTEAGA No. 96-9329	v. CALIFORNIA	10. LORENZO ARTEAGA No. 96-8146	v. CALIFORNIA
5. LORENZO ARTEAGA No. 96-9309	v. CALIFORNIA	11. LORENZO ARTEAGA No. 96-8288	v. SUPERIOR COURT OF SANTA
6. LORENZO ARTEAGA No. 96-9328	v. CALIFORNIA	12. LORENZO ARTEAGA No. 96-8289	v. CALIFORNIA

AND TIMELY ASSERTED OBJECTIONS AND OPINIONS IN RE USCA9 NO. 95-80113 FILED AND LODGED  
IN U.S. SCT DOCKET NOS. 94-9212, 96-6804, 95-9260, 95-7417, AT APPENDICES A-Z.  
AND THE WHOLE THEREOF INCORPORATED IN FULL, AND/OR JUDICIAL NOTICE, FEDERAL RULES OF  
EVIDENCE, RULE 201, ET SEQ. CONTAINING OBJECTION TO UNCONSTITUTIONAL USCA9 NO. 95-80113  
FILED MAY 5, 1995 BASED ON MARCH 28, 1995 EX PARTE EX CUST FACIO, SVA STONIE OSC WHICH  
DISTORTED AND CORRUPTED THE PROCESS OF LAW AND SUSPENDED THE WRIT OF HABEAS CORPUS NO. USCA9  
IN VIOLATION OF THE LAWS AND CONSTITUTION AS THE UNITED STATES, ART. 8, § 1, 2, 5, 13, ART. 8, § 1,

## JURISDICTION

For cases from ~~federal~~ courts:  
28 USC §1257(a) CALIFORNIA SUPREME COURT  
The date on which the ~~Promised To Rule Ad Hoc Ad Hoc~~ decided my case was  
4-16-97 ~~see also AT APPENDIX A~~ ~~see also~~  
~~see also~~ Relations  
BACK TO ~~see also~~ AUGUST 31, 1982 BASED ON EX POST FACTO  
UNCONST/TORTURE OF OSC EX PARTE, SOA SPONIE  
DISTORTING AND CORRUPTING PROCESS OR LAW,  
BREITZ V. KELMAN 773 F.2d 1026, 1035  
9th Cir. 1985) 28 USC §1257(a)  
1st, 4th, 5th, 6th, 8th, 9th, 13th, 14th Amendments, U.S. CONSTITUTION. ORNELAS V. U.S. 116 S.Ct 1657 (1996)  
FURTHER JURISDICTION: ART. I, § 9, cl. 2,  
cl. 3, ART. I, § 10, U.S. CONSTITUTION,  
28 USC §1654; PUBLIC LAW 100-35.  
§7, 102 Stat 662 (1988) ART. III, ART. IV, §  
ART. V, § 3, U.S. CONSTITUTION. LINDH V. MURPHY 117 S.Ct 2059 (1997). 28 USC §1257(a)  
28 USC §1254(1); 1343, 1443 1257(a),  
1367, 2241-2254 2255 GARLOTTE V. FORDKIE 115 S.Ct 1948  
(1995) 115 L.Ed.2d 876, 878; CUSTIS V. U.S. 114 S.Ct 1732 (1994), PORTMAN V. COUNTY OF SANTA CLA  
995 F.2d 818 (9th Cir. 1993); LANDGRAF V. USI FILM PRODUCTS 511 U.S. 244, 275 n. 29 (1994);  
ALSO SEE JURISDICTIONAL STATEMENTS  
IN RELATED PENDING DOCKETS, INCORPORATED  
IN FULL HEREIN.

STANDARD OF REVIEW: CHAPMAN v. CALIFORNIA 17 LED 2d 705 (1967)

BOUIE v. CITY OF COLUMBIA 12 LEd2d 894 (1964) (DUE PROCESS/EQUAL PROTECTION)  
DOGGETT v. U.S. 505 U.S. 647, 651 (6th AMENDMENT: COMPULSORY PROCESS, SPEEDY TRIAL)  
GREEN v. U.S. 355 U.S. 184, 21 Ed2d 199 (DOUBLE JEOPARDY, UNDICTIVE PROSECUTION)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

PUB L 100-352, §7, 102 Stat 662 (1988)

ART. I, §9, clause 2, clause 3.

ART. I, §10.

ART. III,

ART. IV, §2.

ART. VI, §2.

## UNITED STATES CONSTITUTION

28 U.S.C. § 1654 (FEDERAL STATUTORY RIGHT OF PRO SE REPRESENTATION AND ACCESS TO COURTS)

1st Amendment (RIGHT OF ACCESS TO THE COURTS)

4th " (ILLEGAL STOP, SEARCH AND SEIZURE)

5th " (DOUBLE JEOPARDY, SELF-INCRIMINATION, DUE PROCESS: PROCEDURAL AND SUBSTANTIVE)

6th " (RIGHT OF REPRESENTATION, PRO SE, TO BE INFORMED, NOTICE AND JURY TRIAL)

8th " (CRAVE AND UNUSUAL PUNISHMENT AND CONDITIONS OF UNCONSTITUTIONAL CONFINEMENT)

9th " (RIGHTS OF THE PEOPLE NOT OTHERWISE ENUMERATED)

13th " (FORCED SLAVERY AND PUNISHMENT WITHOUT LEGAL CONVICTION; OBSTRUCTING DIRECT APPEAL)

14th " (DUE PROCESS AND EQUAL PROTECTION OF THE LAW; NO STATE SHALL DEPRIVE.)

California Penal Code §3, §805.5(c)(2), §§799, 800-805

GARLOTTE v. FORDICE 115 SCT 1948, 115 LEd2d 876, 878 (1995)

U.S. v. TAYLOR 648 F.2d 565 (9th Cir. 1981)

CUSTIS v. U.S. 114 SCT 1732 (1994)

CHAPMAN v. CALIFORNIA 17 LEd2d 705 (1967)

ORNELAS v. U.S. 116 SCT 1657 (1996)

ROUIE v. CITY OF COLUMBIA 12 LEd2d 894, 84 SCT 1697 (1964)

U.S. v. MUNSINGWEAR 340 U.S. 36, 39 (1950)

ROW v. WADE 410 U.S. 113, 125 (1973)

DODGETT v. U.S. 505 U.S. 647, 651

BRADY v. MARYLAND 373 U.S. 83, 10 LEd2d 215 (1963)

MILLER v. PATE 17 LEd2d 690, 87 SCT 785 (1967)

U.S. v. GAUDIN 115 SCT 2310 (1995)

YATES v. EVATT 111 SCT 1824, 114 LEd2d 432 (1991)

LOGAN v. ZIMMERMAN BRUSH CO. 71 LEd2d 265 (1982)

HENDRICKS v. VASQUEZ 908 F.2d 490 (9th Cir. 1990)

MIDLAND ASPHALT CORP. v. U.S. 429 U.S. 794, 103 LEd2d 879 (1989)

U.S. v. BLOUNT 34 F.3d 865 (9th Cir. 1994)

GREEN v. U.S. 355 U.S. 184, 2 LEd2d 199

BRADEN v. JUDICIAL CIRCUIT OF KENTUCKY 410 U.S. 484, 35 LEd2d 443 (1973)

KYLES v. WHITREY 115 SCT 1555 (1995)

PORTMAN v. COUNTY OF SANTA CLARA 995 F.2d 898 (9th Cir. 1993)

BRETZ v. KELMAN 773 F.2d 1026, 1035 (9th Cir. 1985) (en banc)

CLINE v. BRUSSETT 661 F.2d 108 (9th Cir. 1981)

RIVERS v. ROADWAY EXP. INC. 114 SCT 1510 (1994)

FRANKS v. DELAWARE 438 U.S. 154 (1978)

DAVIS v. ALASKA 94 SCT 1105 (1974)

TOME v. U.S. 115 SCT 696 (1995)

LANDGRAF v. USI FILM PRODUCTS 511 U.S. 244, 275 n.29 (1994)

LINDH v. MURPHY 117 SCT 2059 (1997)

## STATEMENT OF THE CASE

SEE PENDING PETITIONS 96-9196, 96-9197, 96-9328, 96-9329, 96-9309 SAME STATEMENT

AND/OR SEE PENDING PETITIONS 96-9513,

97-5677, 96-9113, 96-8700, 96-8141; PER 28 USC §1254(1) AND

FED. R. EVIDENCE, RULE 201, ET SEQ. INCORPORATED IN FULL

### - R. 204(a) CIRCUMSTANCES

APPENDIX A NO. CASE 5059401 WAS DENIED AFTER ALL FOREGOING PETITIONS

WERE IRREPARABLY PREJUDICED ON DIRECT APPEAL AND HABEAS CORPUS BEFOREHAND,

MORE PARTICULARLY, THE INSTANT PETITION ACTUALLY SUPPLEMENTS THE

SEPARATELY MAILED PETITION FORWARDED TO THE CLERK OF THIS COURT PURSUANT TO

THE JULY — 1997 AND AUGUST 14, 1997 ORDERS (M. BLALOCK)

THIS PETITION HAS BEEN VIOLENTLY OBSTRUCTED BY RESPONDENTS DELIBERATE LOWER COURT ORDERS AND RECORDS REMOVALS TO THE PRESENT TIME; RESPONDENT DANIEL E. LUNGREEN HAS BEEN SERVED WITH THESE LETTERS, ORDERS, PETITIONS AND LEGAL NOTICES BUT REFUSES TO PROVIDE REASONABLE, MEANINGFUL ACCESS TO THIS COURT TO FORCE FRAUDULENT PROCEDURAL AND SUBSTANTIVE DEFAULTS.

I HAVE BEEN STABBED, SHOT, BEATEN WHILE HANDCUFFED AND RECEIVED FIFTEEN (15) SWIFTCHE'S TO MY HEAD, ETC., JUST IN THE COURSE OF RESPONDENT'S IMMIGRATION TACTICS TO PRECLUDE MY FILING THIS PETITION. SEE FOR EXAMPLE C. 97-2622 FMS FILED 7-16-97 IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA AT SACRAMENTO, CALIFORNIA, AND SEE C. 97-2622 FMS FILED 7-16-97 IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA BUT WHICH WAS IMMEDIATELY REASSIGNED A NEW NUMBER TO C 97-20665RMW BY THE QUIXOTIC "REASSIGNMENT ORDER DATED 7-30-97 AS SOON AS I FILED MOTIONS FOR TEMPORARY RESTRAINING AND/OR INJUNCTIVE RELIEF ORDERS, AND SEE PENDING USCA 9 TIME SCHEDULE ORDER FILED 9-15-97 IN NEW CASE NO. 97-16705 (CARTERGA v. DANIEL E. LUNGREEN, CALIFORNIA ATTORNEY GENERAL, PETE WILSON, GOVERNOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET SEQ., ET AL.) ALL EVIDENCING LACK OF AVAILABLE LEGAL REMEDY IN SPITE OF SERIOUS NATURE OF CIVIL, STATUTORY AND FEDERAL CONSTITUTIONAL VIOLATIONS REPORTED.

THE STATEMENT OF THE CASE IS THUS AMPLY SET FORTH AS ABOVE NOTED, AND IN THE PENDING U.S. SUPREME COURT IDENTICAL/RELATED PETITIONS ON DIRECT APPEAL AND HABEAS CORPUS NOS. 96-9196, 96-9197, 96-9329, 96-9309, 96-9328, 96-8146 REALEDGED HEREIN AND INCORPORATED IN FULL FOR ALL PURPOSES, RULES 12, 4, 20, 4(a), 13, 14, 44, 48, ET AL., U.S. SCT.

REASONS FOR GRANTING THE WRIT

The writ of Habeas Corpus and/or Certiorari should be granted because I, Petitioner, am an innocent person falsely, VINDICTIVELY IMPRISONED IN VIOLATION OF THE LAWS AND CONSTITUTION OF THE UNITED STATES and there is no other adequate remedy to GRANT GVR, RELEASE FROM WRONGFUL IMPRISONMENT AND/OR ALTERNATIVE RELEASE PENDING FURTHER APPEAL AS EVIDENCED BY "OPINIONS BELOW" AND APPENDICES HERETO AND THE WHOLE HEREOF. See also PRAYER to Related Pending Petitions. EXCEPTIONAL CIRCUMSTANCES. THE UNCONSTITUTIONAL VINDICTIVE, DOUBLE JEOPARDY, EX POST FACTO EXTRA-JURISDICTIONAL VOID OR VOIDABLE STATE COURT JUDGMENTS OF CONVICTION AND SENTENCING MUST BE VACATED, STRICKEN, REVERSED AS LAW AND JUSTICE REQUIRE.

~~MARZO AUGUST 17, 1997 A~~ ~~A LORENZO ALVAREZ, PRO SE~~

CONCLUSION

FOR THE FOREGOING REASON THE WRIT OF HABEAS CORPUS AND/OR CERTIORARI MUST ISSUE AND/OR RELEASE PENDING APPEAL WHERE NO OTHER REMEDY ACCORDING OR OTHERWISE IS AVAILABLE IN AND OF THIS COURT'S APPELLATE JURISDICTION TO ENFORCE THE LAWS AND CONSTITUTION OF THE U.S.  
RESPECTFULLY SUBMITTED,  
Lorenzo Alvarez  
Dated: 8/17/97

Yours truly  
Lorenzo Alvarez  
pro se

CASE NO. SD59401 (4-16-97)  
CAGD No. H016397

APPENDIX



Sixth Appellate District No. H016397  
S059401

IN THE SUPREME COURT OF CALIFORNIA

LORENZO ARTEAGA, Petitioner

v.

SUPERIOR COURT SANTA CLARA COUNTY, Respondent  
THE PEOPLE, Real Party In Interest

SUPREME COURT  
**FILED**

APR 16 1997

Robert Wandruff Clerk  
vp  
DEPUTY

Petition for review DENIED.

I, Robert E. Wandruff, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court, as shown by the records of my office.

Witness my hand and the seal of the Court this

— day of AUG 29 1997 A.D. 19 —

By B. Norman  
Deputy Clerk

George  
Chief Justice

CASE NO. H016397 (2-20-97)  
SUPER CT. No. 161396

APPENDIX

B

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SIXTH APPELLATE DISTRICT

COPY

FILED

FEB 20 1997

Court of Appeal - Sixth App. Dist.

DEPUTY

LORENZO ARTEAGA,  
Petitioner,

vs.

THE SUPERIOR COURT  
OF SANTA CLARA COUNTY,  
Respondent;

THE PEOPLE,  
Real Party in Interest.

BY THE COURT

The petition for writ of mandate is denied.

(Elia, Acting P.J., Wunderlich, J., and Mihara, J., participated in this decision.)

Dated FEB 20 1997

ELIA, J. Acting P.J.

~~RECEIVED  
MARCH 10 1997  
CLERK OF THE COURT~~

U.S. SUPREME COURT CLERK'S  
(M. BIALOCK) LETTERS/ORDERS  
DATED C. JULY \_\_\_\_\_  
AND AUGUST 14, 1997 RE:  
ARTEAGA v. SUPERIOR COURT OF  
SANTA CLARA COUNTY, CALIFORNIA  
CC: DANIEL E. LUNGBREN  
(CALIFORNIA ATTORNEY GENERAL)  
JUDICIAL ADVISOR REQUESTED BY  
D. LUNGBREN  
FED. EVIDENCE, R-201, BY 5:00.

APPENDIX

C

SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001

WILLIAM K. SUTER  
CLERK OF THE COURT

August 14, 1997

AREA CODE 202  
479-3011

Lorenzo Arteaga  
E-66703, A3-2061  
P.O. Box 1030  
Soledad, CA 93960

RE: Arteaga v. Superior Court of Santa Clara  
County, California

Dear Mr. Arteaga:

The above-entitled petition for writ of certiorari was postmarked July 16, 1997 and received July 21, 1997. The papers are returned for the following reason(s):

The appendix to the petition does not contain the following documents required by Rule 14.1(i):

The lower court opinion(s) must be appended from the Sixth Appellate District in case No. H016397.

Please correct and resubmit as soon as possible. Unless the petition is received by this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

A copy of the corrected petition must be served on opposing counsel.

Handwritten copies of orders cannot be accepted.

Sincerely,  
William K. Suter, Clerk  
By:

M. Blalock  
(202) 479-3023

Enclosures

cc: Daniel E. Lungren

VERIFICATION

(C.C.P. §§ 446, 2015.5; 28 U.S.C. § 1746)

I, Lorenzo Arteaga, declare under the penalty of perjury that:

I am the PETITIONER in the attached matter; I have read the foregoing document(s) and know the contents thereof; that the same is true of my own personal knowledge, or upon information and belief which I believe to be true; that if called to testify as to the contents thereof, I could do so competently as a sworn witness.

Executed this 27 day of August, 1997, at Salinas Valley State Prison, Soledad, CA 93960.

Lorenzo Arteaga  
Declarant

\*\*\*\*\*  
RULE 29 CERTIFICATE OF MAILING AND  
DECLARATION OF SERVICE BY MAIL

(C.C.P. §§ 1013(a), 2015.5; 28 U.S.C. § 1746)

I, Lorenzo Arteaga, declare: That I am a resident of Salinas Valley State Prison, Soledad, California; I am over the age of 18 years; I am a party to the above entitled action; My address is P.O. Box 1030, Soledad, California 93960-1030; I served the attached document(s) entitled:

(1) A PETITION FOR WRIT OF HABEAS CORWS OR PETITION FOR A WRIT OF CERTIORARI TO SUPERIOR COURT OF SANTA CLARA COUNTY, CALIFORNIA, et al.  
PURSUANT TO HOLLOWAY v. LACK (1989) U.S. SCY

on the           /parties specified below by placing a true copy of said document into a sealed envelope with the appropriate postage affixed thereto and placing said envelope(s) into the United States Mail in a deposit box provided for at the Salinas Valley State Prison, Soledad, California, addressed as follows:

DANIEL E. LUNDREN, Atty Gen.  
300 SO. SPRING ST.  
LOS ANGELES, CA 90013

MICHAEL J. VERLY, Clerk  
COURT OF APPEAL (CAAOE)  
333 W. SANTA CLARA ST., #1000  
SAN JOSE, CA 95113

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT  
P.O. BOX 193939  
121 SPEAR STREET  
SAN FRANCISCO, CA 94119-3939

PETE WILSON, Governor  
STATE CAPITOL  
CAPITOL MALL  
SACRAMENTO, CA 94244

SUPERIOR COURT OF CA  
SANTA CLARA COUNTY  
115 TERRANE STREET  
SAN JOSE, CA 95113

RAY MENDOZA, D.A.  
70 W. HEADING ST.  
SAN JOSE, CA 95110

There is First Class mail delivery service by the United States Mail at the places so addressed           /or regular communication by mail between the place of mailing and the addresses above. I declare under the penalty of perjury that the foregoing is true and correct and that I executed this service on this 27 day of August, 1997, at Salinas Valley State Prison, Soledad, California 93960-1030.

Lorenzo Arteaga  
Declarant

DECLARATION IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

I, LORENZO ARTEAGA, ~~DO~~ ARE UNDER PENALTY OF PERJURY THAT I AM THE PETITIONER IN THE ACCOMPANYING PETITION FOR WRIT OF CERTIORARI, FOR HABEAS CORPUS AND OFFER THIS DECLARATION IN SUPPORT OF MY MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS, WITHOUT BEING REQUIRED TO PREPAY THE AMOUNT OF FEES, COSTS OR GIVE SECURITY THEREFOR. I STATE THAT BECAUSE OF MY POVERTY I AM UNABLE TO PAY THE COSTS OF THIS ACTION OR GIVE SECURITY, AND THAT I BELIEVE THAT I AM ENTITLED TO RELIEF.

IN SUPPORT OF THIS MOTION I PROVIDE THE FOLLOWING INFORMATION:

1. ARE YOU PRESENTLY EMPLOYED? ANS. NO. ✓  
DATE LAST EMPLOYED: 10/18/88; APPROXIMATELY \$1,000+ PER MONTH.
2. HAVE YOU RECEIVED, WITHIN THE PAST TWELVE MONTHS, ANY MONEY OR INCOME FROM ANY OF THE FOLLOWING SOURCES?  
a. Business, Profession or self-employment? ANS. NO. ✓  
b. Income from stocks, bonds, or royalties? ANS. NO. ✓  
c. Rent payments? ANS. NO. ✓  
d. Pensions, annuities, or life insurance payments? ANS. NO. ✓  
e. Social security or other government source? ANS. NO. ✓
3. Do you own or are you buying a home? ANS. NO. ✓
4. Do you own an automobile? ANS. NO. ✓
5. Do you have a bank account? ANS. NO. ✓
6. Do you have any other sources of income or money? ANS. NONE. ✓
7. LIST THE PERSONS WHO ARE DEPENDENT UPON YOU FOR SUPPORT AND INDICATE HOW MUCH YOU CONTRIBUTE TOWARD THEIR SUPPORT: ANS.  
MY CHILDREN ARE DEPENDENT UPON ME FOR THE NECESSITIES OF LIFE BUT I AM NOT ABLE TO SUPPORT OR CONTRIBUTE TOWARD THEIR SUPPORT DUE TO THE UNCONSTITUTIONAL IMPRISONMENT AND CONDITIONS OF IMPRISONMENT RELATED IN MY PETITION. B. E.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED THIS 19th day of AUGUST, 1997 AT MONTEREY COUNTY,  
SOLEDAD, CALIFORNIA.

LORENZO ARTEAGA, DECLARANT

NO. \_\_\_\_\_

**RECEIVED**

AUG 29 1997

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

**RECEIVED**

NOV 6 1997

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

LORENZO ARTEAGA - PETITIONER

- RESPONDENT(S)

VS.  
SUPERIOR COURT OF SANTA CLARA COUNTY, CALIFORNIA.

- RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioner asks leave to file the attached petition for a writ of certiorari/habeas corpus without prepayment of costs and to proceed in forma pauperis.

Petitioner has previously been granted leave to proceed in forma pauperis in the following courts:

USDC N CA, USDC E CA, USCA 9; THIS  
HON. COURT nos. 94-9212, 96-9513, 96-9113,  
96-9329, 96-9309, 96-9328, 96-9196,  
96-9127; 97-5677, et al.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

DATED: AUGUST 17, 1997

Lorenzo Arteaga  
LORENZO ARTEAGA, PRO SE

**RECEIVED**

NOV 14 1997

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

SUPERIOR COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001

WILLIAM K. SUTER  
CLERK OF THE COURT

November 17, 1997

AREA CODE 202  
479-3011

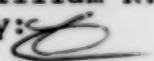
Lorenzo Arteaga  
E-66703, A3-2061  
P.O. Box 1030  
Soledad, CA 93960

RE: Arteaga v. Superior Ct. of Santa Clara

Dear Mr. Arteaga:

The above-entitled petition for a writ of certiorari was originally postmarked July 16, 1997 and received again on November 14, 1997. The papers are returned for the following reason(s):

As a corrected petition was not received within 60 days of the August 14, 1997 letter from this Office, the petition is out-of-time. Rule 14.5.

Sincerely,  
William K. Suter, Clerk  
By: 

M. Blalock  
(202) 479-3023

APPENDIX

C

Enclosures

cc: Daniel E. Lungren